



COMMUNITY DEVELOPMENT

P.O. Box 1609 Mammoth Lakes, CA 93546

MEETING DATE: November 18, 2009

PLANNING COMMISSION ITEM: 4

SUBJECT: Vesting TTM 09-001, UPA 09-001: Vista Point

FROM: Pam Kobylarz, Associate Planner

APPLICANT: Mammoth Specialty Lodging, LLC

OWNER: Mammoth Specialty Lodging, LLC

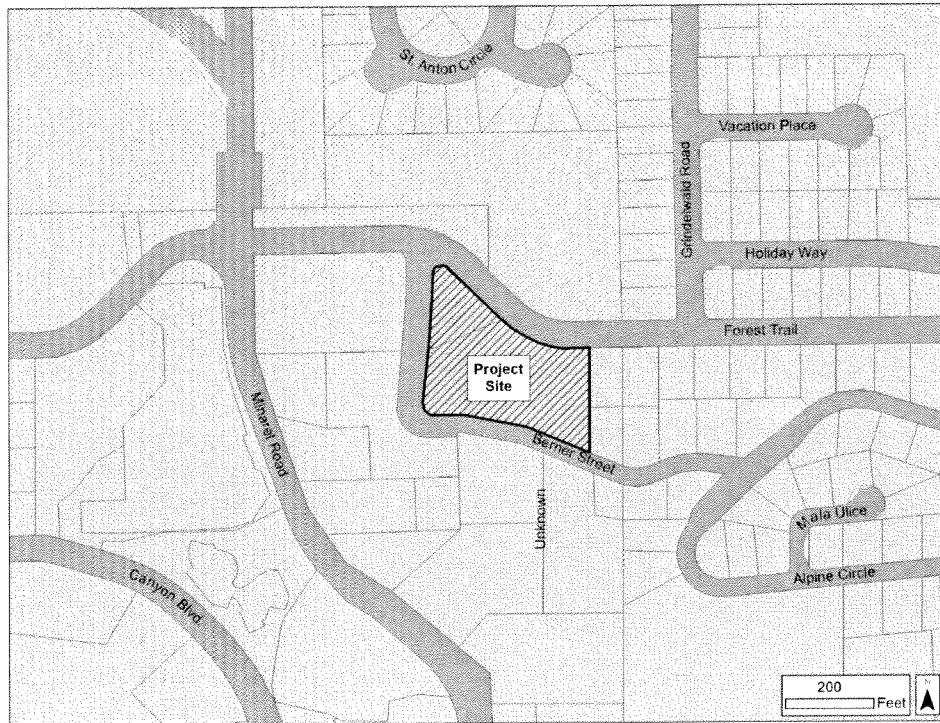
LOCATION: 94 and 151 Berner Street, SE corner of Berner and Forest Trail (APN 033-041-011, 039-030-014)

ZONING/GENERAL PLAN: North Village Specific Plan (SP)/Specific Plan (NVSP)

PROJECT DESCRIPTION: The proposed project is a fractional and/or wholly owned resort condominium product, which includes 101 rooms in 28 units within a building footprint of approximately 34,500 square feet. The proposal also includes 60 understructure parking spaces, a rooftop pool and owner's lounge, and a pedestrian access bridge from the valet drop-off on Forest Trail.

STAFF RECOMMENDATION: Staff recommends that the Planning Commission adopt the attached resolution finding the project to be consistent with the 1999 North Village Specific Plan EIR and approving Vesting Tentative Tract Map 09-001 and Use Permit Application 09-001 with conditions as recommended by staff or with modifications.

PROJECT LOCATION



DEVELOPMENT PROPOSAL

The application request is for a use permit (UPA 09-001) and vesting tentative tract map (TTM 09-001) for a 28-unit resort lodge facility with associated owner/guest related amenities including common area, underground parking facilities, owners' lounge, a rooftop pool and terrace, locker rooms, and a pedestrian plaza. The project would be accessed from Forest Trail and would be fully valet parked; pedestrian access would be encouraged and a pedestrian connection to the Village and gondola, which are within walking distance, would be emphasized. The building is proposed to be LEED gold certified and will take advantage of solar access and preserve a large number of existing trees on-site. The project is consistent in all areas of the North Village Specific Plan Specialty Lodging zoning district.

SUBJECT PROPERTY AND SURROUNDING LAND USES

The subject property is located at the southeast corner of Berner Street and Forest Trail. It is located within the North Village Specific Plan (NVSP) area and is zoned Specialty Lodging (SL). The property is bounded by Forest Trail to the north, Berner Street to the west and south, and two SL-zoned parcels within the NVSP area that house the existing Innsbruck Lodge and the currently vacant Kitzbuhel Apartments. To the north of the site across Forest Trail is the Town-owned Community Center property; the currently entitled South Hotel parcels lie to the west of the site across Berner Street. To the south of the site across Berner Street are several SL-zoned parcels that are either vacant or contain small single-family homes.

The property itself is approximately 2.1 acres in size and consists of two existing parcels. There are four industrial style buildings on the southern side of the site, whose major tenants include the Mammoth Brewing Company and a Taekwondo studio. The site also contains a 4-bedroom single family home that is accessed off of Forest Trail. (Note: all existing buildings will be demolished prior to construction of the new project.) The developed portion of the site is generally along the west and south portions of the site in somewhat of an “L” shape, consists of approximately 38% of the site, and is generally flat. The undeveloped portion of the site includes a significant number of existing trees. In addition to being forested, the northern portion of the site is sloped; there is a 40-foot drop in elevation from Forest Trail to Berner Street along the eastern edge of the property.

ISSUES ANALYSIS

The project is subject to the SL zoning designation of the NVSP and is consistent with the permitted zoning. Below is a discussion of the areas of conformance as well as a discussion and analysis of other project elements.

Use and Operation

The SL zone is intended to accommodate uses such as lodges, bed and breakfast establishments, resort condominiums, European-style inns, and other similar uses. The proposed fractional resort lodge facility is consistent with the permitted uses for the zone. Due to the relatively small number of units, the applicant believes that the proposed project would allow for the provision of highly personalized service consistent with the exclusive character typically associated with boutique hotel properties.

Since the project is proposed to be a fractional project, it is subject to Municipal Code Section 17.30.240 (Fractional Uses). The Code requires fractional-use projects to be included within the boundaries of a Mello-Roos Community Facilities District and be subject to a special tax to pay for town services related to the project (see Engineering Condition #23). The applicant will also be required to pay all costs associated with annexation of the project into such district.

Density

The NVSP measures density in rooms, where a “room” equates to one hotel room or one bedroom, loft, or sleeping area in residential uses. The SL zone permits up to 48 rooms per acre, so for this 2.1-acre site, a total of 101 rooms are permitted. The project proposes 101 new rooms within 28 units.

PAOT Assessment

Table 1 below summarizes the PAOT associated with the proposed Vista Point project, which proposes to build 28 fractional units with a total of 101 rooms. As discussed above, this proposal is consistent with the density assigned to this property in the NVSP. As shown in the table, between 153 and 179 PAOT would be associated with the proposed project.

Table 2 below summarizes the estimated buildout and PAOT for the NVSP area. Since Vista Point does not propose to modify the density currently assigned to the property in the NVSP, this table reflects the same information and assumptions as were included in

the September 2009 PAOT assessment for the Mammoth Crossing project, including the now-approved density of up to 80 rooms per acre for the Mammoth Crossing sites. As shown in the table, PAOT in the NVSP area is estimated at between 5,879 and 6,517.

Since no changes to density are proposed as part of the Vista Point project, town-wide PAOT including the project would remain as described in the Mammoth Crossing PAOT analysis, between 52,672 and 56,438 PAOT at buildout.

Table 1: Vista Point Proposed Development and PAOT

Proposed Units	Proposed Rooms	Unit/Room Equivalents (URE)	PAOT @ 3.0 persons/room	PAOT @ 3.5 persons/room
28	101	51	153	178.5

Table 2: North Village Specific Plan PAOT

Existing Development	Future Development*	Total	PAOT Range
587 URE	1,275 URE	1,862 URE	5,879 to 6,517
* Includes entitled projects and remaining development capacity on developed and undeveloped properties.			
* Assumptions account for workforce housing units.			

Height and Setbacks

The NVSP measures height from natural grade, except when a building sits above a parking garage, then the height is measured from the garage roof elevation. Parking garages are not permitted to be more than 20 feet above natural grade at any point. Since this project proposes a parking structure beneath the entire building, height is measured from the parking garage roof elevation.

A small portion of the parking garage, located near the inside corner where the two wings intersect, is a maximum of 22 feet above natural grade. The applicant has posed that since the site is heavily disturbed in that area, the natural grade would actually have been significantly higher, therefore, if height were to be measured from the natural grade, the garage would be within the permitted height limits; this is illustrated in Attachment 5. Staff agrees that this is a reasonable interpretation, due to the fact that this approach has been used for other projects on disturbed sites. The Planning Commission should determine whether or not they agree with this interpretation. If not, they should direct the applicant to redesign the building so that all portions of the parking garage are less than 20 feet above existing grade (this could be done with a condition of approval). This would likely result in significantly more excavation than is currently proposed.

In the SL zone, the NVSP permits between 1-4 building levels with a maximum permitted height of 40 feet and a maximum projected height of 50 feet. Building projections above the permitted height may be allowed, provided that a roughly equivalent reduction in the building footprint area above the height is provided below the permitted height and not more than 50% of the building square footage exceeds the permitted height. As shown in Table 3 below, 21.7% of the building is 40 feet tall.

35.6% of the building footprint is between 40-50 feet tall while 42.7% is less than 40 feet in height. Therefore, the building meets the height requirements of the SL zone, with less than 50% of the building projecting up to 50 feet and 64.4% of the building at or below 40 feet.

Table 3: Proposed Building Heights

Height	Square feet (approx)	Percentage of footprint
Less than 20'	2900	7.0%
20' - 25'	834	2.0%
25' - 30'	0	0.0%
30' - 35'	5306	12.9%
35' - 40'	8586	20.8%
40'	8931	21.7%
41' - 45'	8559	20.8%
45' - 50'	6119	14.8%
TOTAL	41235	100.0%

Setbacks vary for different parts of the NVSP area and are dictated by building height, as illustrated in the table below for the SL zone:

Table 4: Permitted Heights and Setbacks

Building height from setbacks	0-24 feet	25-34 feet	35-54 feet
Forest Trail	10 feet	20 feet	30 feet
Berner Street	10 feet	10 feet	20 feet
Rear and side yard setback	10 feet	10 feet	10 feet

The Vista Point project proposes the following setbacks:

Table 5: Proposed Setbacks

	Setback	Building height
Setback from Forest Trail	20 feet*	40 - 45 feet
Setback from Berner Street (west side)	20 feet	50 feet
Setback from Berner Street (south side)	23 feet	50 feet
Side yard setback (east side)	13 feet	45 feet

*See discussion below.

All of the proposed heights conform to the required setbacks, except for two small corners of the building along Forest Trail where the setback is less than 30 feet but the building is between 40 and 45 feet tall. The area of the building that encroaches into the setback is approximately 135 square feet, with over half of that area being non-habitable

stairwell area. Staff has addressed this issue by requiring the applicant to redesign that portion of the building prior to building permit submittal so that the heights are consistent with the permitted setbacks (see Special Condition #33).

Lot Coverage

The SL zone in the NVSP permits maximum lot coverage of 60%; this project proposes a total lot coverage of 49%. Additionally, the applicant has located the building mainly on the disturbed portion of the site, leaving the remainder of the site undisturbed to the greatest extent possible.

Access and Parking

Primary vehicular access to the site is proposed to be taken from Forest Trail. After arrival to the site, guests would unload their luggage and walk across a covered, enclosed pedestrian bridge that accesses the main building. All vehicles are proposed to be valet parked in an understructure parking garage; primary access to the garage would be taken from Berner Street on the west side of the project, with secondary access to the garage taken from the south side of the project onto Berner Street. Primary pedestrian access is from the southwest corner of the site where a lobby exits onto a pedestrian plaza. Pedestrian access to the Village plaza and gondola can be taken from this location via a pedestrian access easement within the former Berner Street alignment.

Parking is provided pursuant to the NVSP parking schedule described in the table below. The project proposes 60 (10'x20') parking stalls within the parking garage and there is room for five cars in the valet drop-off area. The project provides a total of 65 parking spaces, which exceeds the 58 spaces that are required.

The NVSP has a requirement that all projects shall have guest access to a minimum of 10% of the total number of spaces. In this case, the project is proposed to be fully valet parked. Valet parking has been approved for other projects within the NVSP area, including the Westin and Hillside projects. The project will be conditioned so that the valet parking shall be free to guests, therefore, all of the parking spaces will be accessible to guests of the project.

Table 6: NVSP Parking Schedule

Unit Type	Parking Spaces Required	# Units	Needed
Studio	1	1	1
2BR+ lock off	2	8	16
3BR+	2	19	38
Check-in	3	N/A	3
			58

Pursuant to the NVSP and Section 3.12.030.D of the Municipal Code, bus parking is required to be provided for all transient uses. The applicant proposes to do this by entering into an agreement with a property owner in the general vicinity of the project in order to satisfy this requirement (see Special Condition #30). A short-term tour bus drop

off area is proposed to be on the southwest corner of the site, south of the pedestrian plaza along Berner Street.

Snow Storage

The NVSP does not have specific requirements regarding how much snow storage is required onsite. It only requires that the plans include a snow storage, snowmelt and removal plan, which identifies areas dedicated for snow storage and snow melt, and outlines snow removal and snowmelt methods. Project plans identify all driveway areas as being snowmelted and show various snow storage areas throughout the site, adjacent to the drive areas and the pedestrian plaza. Plan sheet C5.0 shows the snow storage and snowmelt areas and addresses snow removal.

Because the NVSP has no requirements for a specific amount of snow storage area, the Municipal Code requirements apply. The Municipal Code requires snow storage to be provided for 60% of all uncovered required parking and driveway areas in commercial zones and that all snow storage areas are at least ten feet wide and deep and are readily accessible and usable. The applicant proposes to provide snow storage areas for 66.3% of the uncovered drive and parking areas, which exceeds the Municipal Code requirement. The applicant is also requesting an annual snow storage permit from the Town, which would permit them to use public right-of-way areas in order to access snow storage areas on other parts of their property not adjacent to driveway areas (see Special Condition #29).

Tree Retention

The NVSP requires large trees to be protected to the greatest extent possible and trees that are removed to be replaced on a 1:1 basis. The tree removal plan (L2.0 and C5.0) identifies approximately 73 trees with a diameter of 6" or greater to be removed. The planting plan (L5.0) identifies approximately 22 new pines and 62 new aspens to be planted onsite, for a total of approximately 84 new trees, which exceeds the NVSP requirement.

Dumpsters and Recycling

The dumpster and recycling area is located in the parking garage and would be accessed from the western entrance to the garage. The applicant has provided information to demonstrate that Mammoth Disposal trucks would be able to access the dumpster for pick-up, however, staff will also require sign off from Mammoth Disposal prior to issuance of a building permit. The applicant has not identified a specific recycling plan, however, through seeking LEED certification (see below), additional recycling components may be incorporated into the project, such as recycling bins in each room, information and recycling bins in common areas, and recycling of materials during the construction process.

Development Agreement

The smaller of the two project parcels, which comprises approximately 38% of the total site, is subject to Intrawest Development Agreement (DA). The DA vests certain rules, such as affordable housing generation rates. As a condition of approval, staff will require the property owner to remove that parcel from the DA, so that the entire site is not a part of the DA (see Special Condition #41). This will help to eliminate confusion and help with calculation fees once the two existing parcels have been merged. Since ultimately

the subject property will not be subject to the DA, the DA has is no material impact to this project.

Recreation Areas in Multi-unit Projects

Section 17.16.100 of the Municipal Code requires multifamily projects of more than twenty units to provide 150 square feet of on-site common area/recreation area per unit. For this project with 28 units, 4,200 square feet of recreation area is required. The applicant has provided a rooftop pool area comprised of approximately 4,300 square feet for guests, as well as an owner's lounge. Therefore the project exceeds the requirement for onsite recreational amenities.

Workforce Housing

The applicant has applied for an alternate housing mitigation plan (AHMP), which proposes to satisfy the housing requirement by the purchase, improvement, deed restriction, and sale and/or rental of existing market rate condominiums; and /or the payment of in-lieu fees (see Attachment 6). Mammoth Lakes Housing (MLH) has reviewed the proposal and has requested that the alternative housing mitigation plan be slightly modified to include all types of units rather than just condominium. Planning condition #16 reflects this request.

The NVSP states that if an application purchases existing housing stock to convert to deed restricted housing, at least 50% must be in the Resort (R) or Specific Plan (SP) zones; the remainder can be anywhere except within the Residential Multi-family 1 (RMF-1) zone. The Town is currently in the process of revising affordable housing generation rates and requirements. In part, these revisions will need to respond to recent statewide legal challenges to housing ordinances, which ultimately may limit the Town's ability to specify affordable housing income restrictions and tenure. Therefore, the AHMP approved for this project will be subject to the applicable housing ordinance in place at the time of building permit application submittal.

Design Review

Prior to submittal of a formal application for this project, through the Concept Review application, this project was presented to the Advisory Design Panel (ADP) on March 26, 2009. At that time, the ADP commended the applicant team for their initial work and commented that the proposal was "a good marriage between contemporary and mountain architecture." They appreciated the "rugged" feel of the architecture. At that time, the ADP questioned how the corner/icon element related to the corner on Berner Street and advised the applicant that this feature needed more study and development. The applicant responded to ADP by revising the corner element, however, since the overall design of the building has not significantly changed, staff did not feel it was necessary to take the project before the ADP a second time. ADP notes are included with Attachment 6.

Staff has reviewed the project against the NVSP Design Guidelines (NVSPDG) and has the following general comments related to design:

Form, Mass, and Scale:

Staff believes that the proposed form, mass, and scale of the building are appropriate for this site and consistent with the intent of the SL zone. Staff appreciates the applicant's approach of designing the building around the already disturbed portions of the site and

preserving the undisturbed areas as much as possible, which is also consistent with the NVSPDG to “*design buildings to preserve sunlight into important public places.*”

Roofs:

The applicant is proposing a flat, slanted roof. The intent behind this design is to hold snow and prevent snow shedding onto the site below. Staff believes that the roof design is appropriate and complementary to the proposed architectural design elements and materials. The NVSPDG allow flatter roofs if the design is intended “*for snow management purposes.*”

Building Base:

The base of the building is defined by the parking structure located below the building, which is faced with board formed concrete. This helps to ground the building and “*provide a durable base at the pedestrian level.*”

Entrances:

Staff is supportive of the use of the iconic architectural element that is proposed to help highlight entrance to the building along Berner Street, as well as the intersection of the two building wings. Staff is also supportive of the concept of the lobby proposed to be accessed off of Forest Trail and the pedestrian bridge from that lobby to the main building.

Colors and Materials:

The applicant has chosen materials that are strong and rugged, which is consistent with the Town’s vision of “mountain architecture” and is appropriate for this type of building in this location. The NVSPDG encourage wood siding and heavy timbers. The proposed materials include the following:

- Natural cedar;
- Heavy timber framing;
- Board formed concrete; and
- Oxidized steel.

Staff is very pleased with the design of the proposed building and feels that it is not only consistent with the NVSPDG, but also with the Town’s vision of mountain architecture.

Agency Comments

Staff routed the application request to the following agencies for review and comment: Mammoth Disposal, Mammoth Lakes Fire Protection District (MLFPD), Mammoth Lakes Housing, Amerigas, Southern California Edison, and Turner Propane. Comments were received from the MLFPD, Mammoth Lakes Housing, and the Mammoth Community Water District (see Attachment 4).

The MLFPD has been involved with this project since its submittal and has worked with staff to ensure that any concerns have been addressed. MLFPD does not have any major comments, but noted that the project will require a permit from the Fire District and the plans at this point do not provide enough detail to determine code compliance. The building does not appear to be tall enough to be considered a high rise by Fire District code at this point, however, if the floor of the uppermost level exceeds 55 feet from the lowest point of Fire District access, other requirements might be necessary.

The Mammoth Community Water District (MCWD) expressed concerns regarding infrastructure, landscaping and irrigation, and the ability to meet future water demand as the Town approaches build-out. Special Conditions #31 and #32 address the MCWD concerns.

LEED Certification

The Leadership in Energy and Environmental Design (LEED) Green Building Rating System™ encourages and accelerates global adoption of sustainable green building and development practices through the creation and implementation of universally understood and accepted tools and performance criteria. The applicant for this project intends to seek LEED certification for the building. While it is difficult to know what level of certification the building will achieve, since unanticipated factors can come up during construction that may affect the applicant's ability to achieve certain criteria, at this point in time, the applicant anticipates seeking a gold certification. If achieved, this would be the first major project in Mammoth Lakes to obtain LEED certification.

Vesting Map

The applicant has requested a vesting tentative tract map rather than a tentative tract map without vesting rights. A vesting map is different than a standard tentative tract map in that a vesting map gives subdividers the right to proceed with development that is in substantial compliance with the development standards that are in place at the time the vesting tentative map is deemed complete. The vesting tentative map is valid for not less than one year, and no more than two years after the final map has been recorded. The applicant has requested a tentative map so that they can be confident that zoning and public works standards will not be different at the time of construction than they are now. The vesting map does not vest fees; the applicant will pay the applicable development impact and other fees in place at the time of a building permit application submittal.

Construction Staging and Phasing

The project is proposed to be constructed in one phase and would take approximately 18 months to complete. Construction materials storage and parking is initially planned to be in the relatively flat area on the northern part of the site where the existing single family home is located. Access to that area would be both from Forest Trail and an existing access drive on-site. Once the parking garage has been constructed, it will be used for materials storage and parking until completion of the project.

CONFORMANCE WITH THE GENERAL PLAN & VISION

A portion of this site is subject to the Development Agreement between Town of Mammoth Lakes and Intrawest Affiliates executed February 15, 2002 (note that one of the condition of this project requires removal from the DA). Therefore, it is vested under the 1987 General Plan and the 1992 Vision Statement. The project generally meets the intent of the 1987 General Plan by providing high-end visitor lodging within close proximity to the gondola, which accesses Mammoth Mountain Ski Area.

General Plan Community Vision

This project is consistent with the 2007 Community Vision in a number of ways. It supports "sustainability and continuity of our unique relationship with the natural

environment” by being a LEED certified building. The unique architecture along with the exterior materials and site design contribute to “protecting the surrounding natural environment and supporting our small town atmosphere” and “exceptional standards for design and development that complement and are appropriate to the Eastern Sierra Nevada mountain setting and our sense of a “village in the trees.” Finally, the pedestrian plaza and emphasis on pedestrian connectivity to the Village supports “alternatives to use of personal vehicles with a strong pedestrian emphasis.”

General Plan Goals

The Vista Point project is consistent with the policies in the 2007 General Plan by incorporating the following items into the project:

- Supporting “feet-first” by emphasizing the pedestrian connection to the Village plaza and gondola area (M.3, M.3.B, M.7, C.2.G);
- Improving the safety and quality of the sidewalk and pedestrian system by providing new sidewalks (M.4.A, M.4.B);
- Redeveloping an already disturbed infill site (C.2.F, L.1.C, M.3.C);
- Utilizing thoughtful site and building design, including high-quality, mountain-appropriate architecture that complements the site and surrounding environment (C.2.L, C.2.N, C.2.T, C.2.U, L.1.B);
- Retaining existing trees to the extent possible by placing the building footprint on the already disturbed portion of the site (C.4.B, C.4.C);
- Providing a fractional use project in the Specialty Lodging zone of the North Village Specific Plan, which is intended for such uses (L.5.A, L.5.B); and
- Utilizing green building practices by building a LEED Certified project (R.7.A).

CEQA COMPLIANCE

The NVSP was adopted as part of a certification of a Program EIR in 1999 (SCH# 99-092082). As part of the certification, a statement of overriding considerations was adopted pursuant to the requirements of CEQA based on the significant effects identified in the EIR. Because the Program EIR covered the entire Specific Plan area, the proposed development is not subject to additional environmental review. All potentially significant environmental effects were analyzed in the certified Program Environmental Impact Report (EIR) for the North Village Specific Plan. Since the North Village Program EIR included review of the South Hotel project, Environmental Documentation was prepared to determine the project’s consistency with the Program EIR. The applicable mitigation measures from the EIR have been included as conditions within the draft Resolution. Under CEQA, application of mitigation measures adopted in the Program EIR can be applied to the project without necessitating recirculation of a new environmental document. See Attachment 3 for the CEQA documentation.

OPTIONS ANALYSIS

Option 1: Find the project to be consistent with the 1999 North Village Specific Plan EIR and approve Vesting Tentative Tract Map 09-001 and Use Permit Application 09-001 with conditions as recommended by staff.

Option 2: Find the project to be consistent with the 1999 North Village Specific Plan EIR and approve Vesting Tentative Tract Map 09-001 and Use Permit Application 09-001 with conditions with modifications.

Option 3: Deny Vesting Tentative Tract Map 09-001, and Use Permit Application 09-001.

Option 1 would approve the project subject to conditions imposed by staff and other agencies.

Option 2 would approve the project as modified by the Planning Commission.

Option 3 does not allow the project to proceed with the planning process, unless an appeal is filed within 15 days of Planning Commission decision. If an appeal were to be filed, the project would be scheduled for a Town Council hearing.

RECOMMENDATION

Staff recommends that the Planning Commission choose Option 1: Find the project to be consistent with the 1999 North Village Specific Plan EIR and approve Vesting Tentative Tract Map 09-001 and Use Permit Application 09-001 with conditions as recommended by staff or with modifications.

Attachments:

1. Planning Commission Resolution
 - Exhibit A: Findings
 - Exhibit B: Conditions of Approval
 - Exhibit C: Mitigation Measures
2. Project Summary Form
3. CEQA compliance documentation
4. Agency letters
5. Natural grade/height plan
6. Other application information: LEED summary, affordable housing mitigation plan, ADP notes
7. PIEC Analysis
8. Project Plans

Recording Requested by and)
When Recorded Mail To:)
)
Town of Mammoth Lakes)
Community Development Department)
P.O. Box 1609)
Mammoth Lakes, CA 93546)

Space Above for Recorder's Use

RESOLUTION NO. PC-2009-

**A RESOLUTION OF THE
MAMMOTH LAKES PLANNING COMMISSION APPROVING
VESTING TENTATIVE TRACT MAP 09-001 AND USE PERMIT 09-001
TO ALLOW A 101-ROOM, 28 UNIT FRACTIONAL
AND/OR WHOLLY OWNED HOTEL PROJECT
FOR PROPERTY LOCATED AT 94 AND 151 BERNER STREET.**

(APN: 033-041-011 AND 039-030-014)

WHEREAS, a request for consideration of a Permit was filed by Mammoth Specialty Lodging, LLC to allow a fractional and/or wholly owned hotel product with 101 rooms in 28 units within a building with a footprint of approximately 34,500 square feet, in accordance with the North Village Specific Plan, for property located within the Specialty Lodging zone of the North Village Specific Plan at 94 and 151 Berner Street.

WHEREAS, the Planning Commission conducted a Noticed Public Hearing on the application request on November 18, 2009, at which time all those desiring to be heard were heard; and

WHEREAS, the Planning Commission considered, without limitation:

1. The Staff Report to the Planning Commission with exhibits;
1. The State Map Act, Town of Mammoth Lakes General Plan, Town of Mammoth Lakes Municipal Code, North Village Specific Plan, Subdivision Ordinance, and associated Land Use Maps;
2. The environmental documentation prepared for the project;
2. Written evidence submitted at the hearing;
3. Project plans consisting of: All plan sheets dated received by the Town of Mammoth Lakes on 4-30-09, except for C6.0 and L2.0 dated received 6-18-09; and

WHEREAS, the Planning Commission made the following findings pursuant to Section 17.60.070 of the Mammoth Lakes Municipal Code and Sections 66474 and 66498.1 of the Subdivision Map Act:

(SEE EXHIBIT A)

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission, in its independent judgment, finds that this project is consistent with the existing 1999 North Village Specific Plan Environmental Impact Report, pursuant to the California Environmental Quality Act (CEQA) Guidelines.

BE IT FURTHER RESOLVED that the Planning Commission of the Town of Mammoth Lakes hereby approves UPA 09-001 and VESTING TTM 09-001 subject to the following conditions:

(SEE EXHIBIT B)

PASSED AND ADOPTED this 18th day of November 2009, by the following vote, to wit:

AYES:

NAYS:

ABSENT:

ABSTAIN:

ATTEST:

Mark Wardlaw
Community Development Director

Rhonda Duggan, Chair of the Mammoth
Lakes Planning Commission

NOTE: This action is subject to Chapter 17.68 of the Municipal Code, which specifies time limits for legal challenges.

I, Dana Severy, am a legal agent having Power of Attorney for the owner of this property and am the proponent of this project request project request, and I do hereby attest that I have read, and agree to, the conditions of approval stipulated within this Resolution.

Dana Severy Date
(Notary Required)

EXHIBIT A
Resolution No. PC-09-
Case No. Vesting TTM 09-001, UPA 09-001

FINDINGS FOR USE PERMIT

(Municipal Code Section 17.60.070)

1. The proposed use is consistent with the Town of Mammoth Lakes General Plan since, as designed and conditioned, the proposal conforms to all development standards established for the Specialty Lodging (SL) zoning designations pursuant to the North Village Specific Plan and achieves the General Plan goals and policies as they relate to development within these Specific Plan zoning designations.
2. The proposed location of the use is in accord with the objectives and purpose of the zone in which it is located because the SL zoning designation of the North Village Specific Plan is intended for uses such as lodges, resort condominiums, and other similar uses.
3. The proposed site is adequate in size and shape and has adequate access for the proposed use because it is able to accommodate a building that is consistent with all of the development standards of the North Village Specific Plan and adequate vehicular access to the site is provided both from Forest Trail and Berner Street. The site will be improved to accommodate year-round emergency vehicle access and to accommodate adequate access and width for anticipated traffic to the developed site.
4. The proposed use will be operated in a way that will be compatible with surrounding uses and will not be detrimental to the public health, safety, and welfare nor be materially injurious to properties or improvements in the vicinity since mitigation measures have been applied that have been developed to ensure compatibility as evaluated in the North Village Specific Plan Program EIR. The proposed development is designed to be compatible with its surrounding topography and the architectural design will enhance the site and surrounding development. All utilities are available, or can be extended, to adequately serve the proposed development.
5. The proposed use complies with the applicable sections of the zoning regulations because all development requirements established by the SL zoning designations of the North Village Specific Plan and other applicable development standards of the Municipal Code will be met by the project as designed and/or conditioned.

FINDINGS FOR TENTATIVE MAP APPROVAL

(State Map Act Section 66474 and 66498.1)

1. The proposed map is consistent with applicable general and specific plans as specified in Section 66451 of the Subdivision Map Act because the project conforms to the density standards for both the General Plan and the Specialty Lodging (SL) zoning designation of the North Village Specific Plan. The Commission further finds that the proposed hotel development complies with zoning code development standards and Town policies that

implement the General Plan and that all utilities and access roadways can be improved and/or extended to service the project area.

2. The design and improvements of the project are consistent with General Plan standards since the project, as conditioned, complies with the development standards of the SL zoning designation of the North Village Specific Plan and with all other applicable Town Ordinances and applicable agency requirements in effect at the time the tentative map request was submitted for review and considered by the Planning Commission.
3. The site is physically suitable for the type of development because the proposed structure, is situated on the site such that the grading needed to construct the understructure parking, the building pad, the access driveways, and the extension of utilities utilizes the existing disturbed area and preserves as much of the surrounding site and existing trees as possible. The project will not adversely impact significant natural landforms since no significant landforms were identified on the property.
4. The site is physically suitable for the proposed density of development because the proposed project conforms to the density requirements of the General Plan and the North Village Specific Plan within a building that meets all of the applicable development standards SL zoning designation.
5. The design of the proposed improvements are not likely to cause substantial environmental damage nor substantially injure fish or wildlife or their habitat since the property is not located within an environmentally sensitive area and since the project was found to be consistent with the North Village Specific Plan Program Environmental Impact Report, pursuant to the California Environmental Quality Act (CEQA) Guidelines.
6. The design of the subdivision or the types of improvements is not likely to cause serious public health problems since the required mitigation measures reduce health-related impacts to a less than significant level and no evidence has been submitted during the planning review process to indicate that the development would cause any serious public health problems. All necessary public services are currently provided, or can be extended to, the site to assure health and safety for those individuals occupying and using the site facilities.
7. That the design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision since the property has access to two public streets with approved street alignments and widths, as conditioned, and the applicant will construct sidewalks along Forest Trail and Berner Street. All utilities and their easements are currently in place on, or can be extended to, the property and the proposed project will not impact adjacent property easements and/or common areas shared among condominium owners.

EXHIBIT B
Resolution No. PC-09-
Case No. Vesting TTM 09-001, UPA 09-001

PLANNING DIVISION CONDITIONS

STANDARD USE PERMIT CONDITIONS

1. This approval authorizes the following: a fractional and/or wholly owned product with 101 rooms in 28 units within a building with a footprint of approximately 34,500 square feet. The proposal also includes 60 parking understructure parking spaces, a rooftop pool and owner's lounge, and a pedestrian access bridge from the valet drop-off on Forest Trail.
2. This permit and all rights hereunder shall automatically terminate unless the site preparation or construction has been commenced within 24 months after the issuance of this permit and such work is diligently carried on until completion, or an extension of time has been granted in accordance with Municipal Code 17.60.160.
3. All new improvements constructed on the site shall be in compliance with all Town of Mammoth Lakes, County of Mono, Mammoth Community Water District, the Mammoth Lakes Fire Protection District, the CRWQCB Lahontan District, Great Basin Air Pollution Control District, OSHA, State of California and United States of America laws, statutes, ordinances, regulations, directives, orders, and the like applicable thereto and in force at the time thereof. Any violation of the above may constitute grounds for revocation of the use permit under Section 17.60.130 of the Mammoth Lakes Municipal Code.
4. This resolution of approval, as conditioned herein, shall be recorded for the subject property by the Mono County Recorder's Office to commence the approved use on the property prior to the issuance of any building permits for new or remodeled structures.
5. The site shall be maintained in a neat, clean and orderly manner. All improvements shall be maintained in a condition of good repair and appearance. Outdoor storage of equipment and other materials is prohibited. Non-operating vehicles, equipment and materials inappropriate to the site and its use shall not be stored within outdoor areas on the site.
6. Storage of construction materials and equipment off-site shall not be permitted without a permit issued by the Community Development Department of the Town. Any public or private property altered, damaged or destroyed by site preparation, grading, construction or use shall be restored to its pre-existing condition by the permittee.
7. All conditions of this use permit shall be met or secured prior to final occupancy approval of any tenant improvements or new structures.
8. All uses are subject to review by the Building Official of the Town of Mammoth Lakes and must conform to occupancy ratings of the structures to obtain occupancy.
9. Town staff shall have the right to enter the subject property to verify compliance with these conditions. The holder of any permit associated with this project shall make the

premises available to Town staff during regular business hours and shall, upon request, make records and documents available to Town staff as necessary to evidence compliance with the terms and conditions of the permit.

10. Prior to the issuance of a building permit, the applicant shall pay the Development Impact Fees in effect at the time of building permit application submittal, as prescribed by ordinance.
11. Where compliance with the conditions of approval or applicant initiated changes to the plans require additional staff review, that review time shall be billed at the Town's established billing rates. Prior to the issuance of a building or grading permit, the applicant shall pay all outstanding costs for the processing of this application.
12. The approved site and building plans shall be adhered to and maintained for the duration of the permit.
13. This action may be appealed to the Town Council within fifteen (15) calendar days from the date of Planning Commission approval in accordance with Municipal Code Chapter 17.68.
14. Prior to receipt of a grading or building permit, the applicant shall obtain a secondary source permit or letter of exemption from the Great Basin Unified Air Pollution Control District.
15. Pursuant to Government Code Section 66474.9 the subdivider shall defend, indemnify, and hold harmless the local agency and its agents, officers, and employees from any claim, action, or proceeding against the local agency and its agents, officers, or employees to attack, set aside, void, or annul, an approval of the local agency, advisory agency, appeal board, or legislative body concerning this approval, which action is brought within the time period provided for in Government Code Section 66499.37. The Town shall promptly notify the subdivider of any claim, action, or proceeding and shall cooperate fully in the defense.
16. Pursuant to Municipal Code Chapter 17.36 (Affordable Housing Mitigation Regulations), the project will be mitigated by the purchase, improvement, deed restriction, and sale and/or rental of existing market rate units; and/or the payment of in-lieu fees. The actual fees and FTEE generation will be based on the affordable housing mitigation regulations in effect, and the final project program, at time of building permit application submittal.
17. In consideration of the Town's Vision Statement requiring a de-emphasis of the use of the automobile, occupancy and mode of travel expectations and to mitigate the impacts of the project on air quality as required by CEQA, the applicant and the owners association, if formed, shall execute a transit agreement with the Town prior to recordation of the final map. If no owners' association is formed at that time, the applicant shall demonstrate, subject to review and approval of the Town Attorney, the ability to bind future homeowners to the transit agreement and shall execute the agreement on their behalf. The applicant shall be subject to an annual payment of \$121.00 per residential unit and as adjusted for inflation since inception (the Fiscal Year 2009-2010 rate is \$148.11). The annual payment shall be adjusted annually for inflation using the Los Angeles/Riverside Consumer Price Index. The transit service agreement, when executed, shall be recorded in the Official Records of Mono County and shall be referenced in the project CC&Rs, as well as in any disclosure documents

required by the California Department of Real Estate for the project. Once recorded, the agreement can be modified only by mutual written agreement of the Town and the owners' association when formed and the service shall not be discontinued for any reason without an amendment to the agreement.

18. All exterior lighting shall comply with Chapter 17.34 of the Town of Mammoth Lakes Municipal Code, Outdoor Lighting. Exterior light fixtures having a total of over 40-watts of incandescent illumination shall be equipped with shields that extend below the horizontal plane of the light source to direct the light downward onto the structure or surrounding grounds.
19. The project shall meet the requirements of Municipal Code Section 17.38 (Water Efficient Landscape Regulations) including the Landscape Documentation Package. A final landscape and irrigation plan shall be submitted to, and approved by, the Community Development Department for inclusion in the project grading permit. Where no grading permit is required, the final landscape plan must be submitted to and approved by the Town prior to issuance of a building permit. Said landscape and irrigation plan shall substantially conform to the preliminary landscape plan reviewed and approved by the Planning Commission. All landscape plantings shall be maintained in a healthy and growing condition at all times (as applicable for the season) and individual plants shall be replaced if they become diseased or die. An automated irrigation system shall be provided for each landscape area. The irrigation equipment and system shall be maintained in a proper working condition at all times. Landscaping and irrigation systems within the public right-of-way within or adjacent to the project area shall be maintained by the property owner, with the exception of benefit assessment district areas.
20. The project shall comply with the Guidelines for Erosion Control in the Mammoth area. This shall include submittal of a Report of Waste Discharge. Prior to the first occupancy permit, the developer shall prepare a stormwater management operation plan that the Homeowner Association shall use for ongoing operation and maintenance of permanent erosion control and storm water.
21. If any portion of the building encroaches into front or street side yards, the property owner shall execute a hold harmless agreement waiving any liability on the part of the Town for damage from snow removal or other standard street maintenance functions.
22. The project is subject to the fractional use regulations adopted by the Town. Fractional use projects are required to stipulate the provisions of a local sales program plan, if any, for the Town's review and approval. Mitigation is also required for the financial impact on Town services posed by owner occupied projects that are otherwise run as a full service hotel. The development shall be annexed into the Mello Roos Community Facilities District No. 2004-1 prior to building permit issuance. The applicant shall pay a processing fee in the amount applicable at the time of final map submittal to cover the costs of establishing the Community Facilities District and annexation thereto.
23. Water and sewer improvements require a construction permit from Mammoth Community Water District. Prior to the Town authorizing any construction, the applicant shall obtain water and sewer permits from Mammoth Community Water district and pay applicable fees to the District.

24. New or changed improvements, exterior illumination, elevations, designs, materials, or colors shall conform to the adopted Design Guidelines of the Town of Mammoth Lakes and will require review and approval from the Town of Mammoth Lakes Community Development Department or Planning Commission pursuant to Municipal Code Section 17.32.120.
25. A certificate of occupancy is required for all future tenant improvements within the subject structure. Tenant improvements shall identify occupancy separation requirements, disabled access requirements and compliance with all applicable building, electrical, plumbing, and fire code requirements.
26. Zoning entitlement conditions of approval shall be printed verbatim on all of the working drawing sets used for issuance of building permits (architectural, structural, electrical, mechanical, and plumbing) and shall be referenced in the index.
27. Roof vents, exhaust, pipes and flues shall be combined and/or collected together on slopes of roof out of public view to the greatest extent possible.

SPECIAL CONDITIONS

28. The plans, specifically plan sheet C5.0, shall include a note stating that snow and ice shall be removed daily prior to the opening of business and that pedestrian areas will be maintained during business hours.
29. The applicant shall apply for an annual snow storage permit in order to use the public right-of-way to access snow storage areas on the subject property.
30. The applicant shall enter into an agreement with a property owner in the general vicinity of the project to accommodate their required tour bus parking. This agreement shall be executed prior to first certificate of occupancy. If the applicant is unable to obtain said agreement, tour bus parking shall be provided onsite.
31. The applicant shall install water-using fixtures and appliances which meet or exceed the US EPA WaterSense program guidelines. In addition, the project shall meet current standards at the time of building permit submittal for all landscape water efficiency ordinances and plumbing codes.
32. The applicant shall acquire the necessary permits from MCWD for construction of laterals and connection to the water and wastewater system prior to issuance of a building permit. The applicant shall submit a landscape and irrigation plan that has been approved by the Town as part of any water permit application.
33. The applicant shall redesign that portion of the building that encroaches into the setback along Forest Trail prior to submittal of a building permit application. The building shall meet all height and setback requirements of the NVSP.
34. The applicant has stated that it intends to satisfy the public art requirement in effect at the time of building permit application submittal by placing public art in the pedestrian plaza. The applicant shall work with the Public Arts Commission to determine appropriate artwork for this area. The artwork shall be valued at an amount equal to or greater than the value required by the Public Art Ordinance in place at the time of building permit application submittal and shall be visible by the public for a minimum

of 12 hours per day. A plan to ensure that the Public Art requirement is satisfied shall be in place prior to issuance of a building permit.

35. Where “unsuitable” soils, such as undocumented fills, colluvium, and alluvium, will be subjected to increased loads from new fills or structures, remedial grading consisting of over-excavation and compaction should be utilized to improve the bearing capacity of those materials. Reasonably continuous construction observation and review during site grading and foundation installation allows for evaluation of the actual soil conditions and the ability to provide appropriate revisions where required during construction. Remedial grading should follow the recommendations provided in the Preliminary Geotechnical Investigation prepared for the proposed project by Sierra Geotechnical Services, Inc. on February 16, 2006.
36. All oversize rock (greater than 6-inches diameter) and organic debris shall be disposed of at a Town approved site in accordance with the earthwork and grading recommendation included in Appendix D of the Preliminary Geotechnical Investigation prepared for the proposed project by Sierra Geotechnical Services, Inc. on February 16, 2006.
37. The applicant should follow all of the recommendations outlined in Section 13 of the Preliminary Geotechnical Investigation prepared for the proposed project by Sierra Geotechnical Services, Inc. on February 16, 2006.
38. Sign off from Mammoth Disposal to ensure that the dumpster is accessible is required prior to issuance of a building permit.
39. The applicant shall submit a local sales program, pursuant to 17.30.230. The plan shall be submitted to and approved by the Town with an application for a final map, or prior to the opening of any sales office, whichever comes first.
40. Valet parking shall be free to all guests of the project.
41. A portion of the project is within the jurisdiction of the Intrawest Development Agreement (DA). Prior to approval of a final map by staff, the applicant shall take the necessary steps to remove the DA conditions from the subject parcel.
42. The project shall be required to comply with all applicable mitigation measures (see Exhibit C).

ENGINEERING CONDITIONS

A. STANDARD CONDITIONS / GENERAL REQUIREMENTS:

1. A final map, consistent with the tentative map and the conditions herein, shall be recorded with the County Recorder of Mono County prior to the expiration of the approved tentative map. The final map shall conform to the Subdivision Map Act and the Subdivision Ordinance for the Town of Mammoth Lakes. The tentative map shall expire 24 months after the approval date. Failure to record the final map prior to the expiration will nullify all approvals, except such time limitation as may be extended by law or by the Planning Commission in accordance with the Subdivision Map Act.

2. Copies of all exceptions, easements, restrictions and encumbrances listed in the preliminary title report together with a copy of the current grant deed and a current title report, a copy of each record map for the subject property shown within the tentative map boundary, and a copy of each and every adjacent map, deed or other document as necessary that establish, or were used for the survey of, and for the retracement of the subdivision boundary shall be submitted with the initial submittal of the final map. A subdivision guarantee shall be issued and dated within 30 days prior to final map approval by the Planning Commission.
3. The maintenance of graded slopes and landscaped areas shall be the responsibility of the developer until the transfer to individual ownership or until the maintenance is officially assumed by an approved maintenance district or property owners association.
4. Slope rights adjacent to public rights of way shall be dedicated on the final map where necessary.
5. All new utility lines within, adjacent to or serving the site shall be placed underground.
6. The site grading design and all building construction shall conform to State and federal disabled access regulations.
7. Paved access is required to a maintained street. Street and traffic signs shall meet Town standards.
8. Landscaping and irrigation systems within the public right of way, adjacent to the project area and within the project shall be maintained by property owner, with the exception of benefit assessment district areas.
9. The applicant shall obtain an easement or letter of permission to grade all areas requiring off-site grading prior to issuance of a grading permit or a building permit. These areas shall be contour graded.
10. The applicant shall submit to the Town an electronic file of the final map in AutoCAD, Version 2008, or other format as may be approved by the Town Engineer, within 30 days of approval of the final map.
11. All easements and dedications shall be in a form and content acceptable to the Town Engineer.
12. Application shall be made to the Mammoth Community Water District for re-apportionment of any existing assessment lien(s) to the new lots and units proposed. The applicant shall submit a receipt of the application from MCWD to the Town prior to final map consideration by the Planning Commission.
13. Application shall be made to the Town for re-apportionment of any existing assessment lien(s) under Community Facilities District (CFD) 2002-1 to the new lots and units proposed. Application shall be made in conjunction with the final map consideration by the Planning Commission.
14. Prior to approval of the final map by staff, the applicant shall provide evidence to the Town that the property taxes have been pre-paid to Mono County Tax Collector or their payment has been secured by the filing of a surety bond or other cash-equivalent security acceptable to the County.

15. The applicant shall pay a fee for each unit, parcel or lot, including lettered lots and parcels and common area lots or parcels, created to the Community Development Department for long range planning reimbursement prior to approval by staff of the final map.
16. This project is protected by the Mammoth Lakes Fire Protection District. Prior to any construction occurring on any parcel, the applicant shall contact the Fire Marshal for verification of the then current fire protection requirements.
17. The property owner, applicant/developer and holder of any and all permits associated with this property shall conform to the requirements of the Town of Mammoth Lakes and Federal, State, County and Local agency requirements, as they may apply. This includes, at a minimum, the CRWQCB, Lahontan District, the Great Basin Air Quality Control District, OSHA, the Mammoth Lakes Fire Protection District, and the Mammoth Community Water District.
18. Nothing in the approval of this tentative tract map shall be construed to allow for the deviation, adjustment, variance or non-conformance of any Municipal Code or ordinance, or of any local, State or federal standard, policy, regulation or law, unless specifically provided for herein.
19. All grading and public improvements shall be consistent with the Town Of Mammoth Standard Plans for Public Works.
20. The horseshoe driveway shall be aligned to be perpendicular with Forest Trail and include a street light at the entrance and exit consistent with the Standard Plans. An additional 10-foot wide easement shall be provided to the Town for snow storage to the east of the exit driveway.
21. A sidewalk shall be constructed on the north side of Forest Trail from the west side of Berner Street to the entrance to the tennis court parking lot. The sidewalk shall be 7 feet wide clear of obstructions when adjacent to a retaining wall or 6 feet clear otherwise. Retaining walls shall be constructed to protect trees. The sidewalk shall be constructed in accordance with the Standard Plans.
22. A sidewalk shall be constructed along the Berner Street property frontage with a minimum dimension of 6 feet wide, clear of obstructions. Easements shall be provided to the Town for sidewalk that is outside the right of way. Streetlights shall be consistent with Town Standards.
23. Berner Street (north leg) shall be constructed to provide a half width of 26 feet to gutter flow line to provide tour bus loading and delivery truck parking that is outside the travel ways.

B. THE FOLLOWING CONDITIONS SHALL BE COMPLETED PRIOR TO APPROVAL BY STAFF OF THE FINAL MAP:

24. The final map shall conform to the requirements of Town of Mammoth Lakes Ordinance 84-10 and all amendments thereto.
25. A preliminary soils report shall be filed with and reviewed by the Town Engineer. The report shall address and make recommendations as to the compacted and un-compacted fills on-site. A note shall be placed on the final map indicating which

lots require grading remediation. An “as-graded” soils report shall be provided to the Town upon completion of the grading.

26. Sureties shall be posted for required grading, street and drainage improvements in accordance with the Municipal Code and the applicant shall enter into a subdivision improvement agreement for all required public improvements in accordance with the Subdivision Map Act. The agreement shall include provisions for the posting of warranty sureties for the accepted public improvements. Construction cost estimates for all required sureties shall be prepared and signed by a registered civil engineer. The estimates shall be at prevailing wages and shall include 20% for construction contingencies and 20% for administrative costs. All sureties shall be posted prior to the issuance of a grading permit and prior to approval by staff of the final map.
27. Surety shall be posted with the Town in a form acceptable to the Town Surveyor for any deferred final monumentation for the final map. The estimated amount of the surety shall be prepared by the licensed land surveyor preparing the final map and shall be approved by the Town Surveyor.
28. If the subject property has existing overhead utilities along the property frontage. The Subdivision Ordinance requires that undergrounding of utilities shall be mandatory for all subdivisions and all condominium projects. The applicant shall therefore perform either of the following:
 - A. Convert the existing utilities underground along the frontage of the property, or,
 - B. Post a surety in a Town acceptable form to guarantee undergrounding of utilities or the property is annexed into a Capital Improvement District that will underground the overhead utilities. The Applicant shall therefore enter into an agreement with the Town whereby the property owner, his successors and assigns, shall not vote to disillusionment of an assessment district to be formed for the conversion of the existing overhead utilities to underground. The covenant shall be recorded with the County Recorder and shall be on title.

The design and construction and the estimated costs and fees for the conversion to underground of the utilities shall meet the standards and approval of all serving utility companies within the Mammoth Lakes area and the standards and requirements of the Town.

29. Easements shall be designed and offered for dedication on the final map in a form and in content acceptable to the Town.
30. Prior to staff approval of the final map, the Property Owner shall enter into an agreement with the Town in which the Property Owner shall agree to annex the property into North Village Benefit Assessment District, BAD 2001-2, for the operation, maintenance and repair, snow removal, heat trace, landscaping and irrigation, street lighting, and other things, of the public improvements along the property frontage. The Property Owner shall also enter into an agreement with the Town in which the Property Owner shall agree to waive their rights to vote in favor of the dissolution of the Benefit Assessment District, BAD 2001-2. The

agreements shall run with the land and shall be binding upon all future owners of the property.

31. The Town contemplates the formation of an assessment district for the construction of certain improvements including undergrounding utilities in the North Village Specific Plan area. The Developer may participate in the capital facilities assessment district for these public improvements in lieu of undergrounding them concurrently with the project. If the Developer selects this option, a surety performance bond shall be posted in the Town's name for the undergrounding utility work until the assessment district is formed. Prior to final map approval by staff the Property Owner shall enter into agreements with the Town to waive their rights to vote to oppose the formation of an assessment district to be formed for the financing and construction of those public improvements, and to waive their rights to vote to oppose the formation of a benefit assessment district, or to be annexed into an existing benefit assessment district for the maintenance of the proposed improvements. The agreements shall include provisions for the waiver of rights to vote in favor of the dissolution of the districts. The agreements shall run with the land and shall be binding upon all future owners of the property. The agreements shall be fully executed prior to approval of the final map by staff.
32. The applicant shall enter into an agreement for the cost sharing and reimbursement for the boiler capacity and heat trace source for the public sidewalk adjacent to the project, where necessary.
33. A 10-foot dedication of right of way is required to provide a half-width right of way of 30 feet on Berner Street. Curbs, gutters, sidewalks, and 26 feet half width of paving shall be installed on the north/south leg of Berner Street and 16-feet of half width of paving on the east/west leg of Berner Street.
34. A ten (10) foot grant of easement, in a form and content acceptable to the Town Engineer, is required along Forest Trail between the easterly driveway exit and the property line(s) for snow storage purposes.
35. Rights of way and improvements (including off-site) to transition traffic and drainage flows from proposed to existing shall be required as necessary.
36. All easements as shown on the tentative map shall be granted on the final map, or recorded by separate document prior to or concurrent with recordation of the final map. Easements to be recorded by separate document shall be submitted to the Town for review and approval. The fully executed documents shall be submitted to the Town Engineer prior to approval of the final map. Easements shown on the tentative map to be granted or dedicated shall indicate the beneficiary of the easement(s).
37. Easements shown on the tentative map to the benefit of an agency other than the Town or to other parties shall be shown on the final map as "Easements Reserved". The owners statement on the parcel map shall reserve said easements unto themselves, their heirs and assigns.
38. All documents that are required to record prior to or concurrent with the recordation of the final map shall be reviewed and approved by the Town and shall be fully executed, notarized and ready for recordation prior to approval of

the final map by town staff. The originals of the executed documents shall be delivered to the Town Engineer together with the final map prior to approval of the final map.

39. Monumentation of the subdivision shall be installed in accordance with the Subdivision Ordinance of the Town, Ordinance 84-10. A street centerline monument well and monument shall be installed at the intersection of Berner Street and Forest Trail and Berner Street and the easterly property boundary or on an appropriate offset.
40. A snow removal/storage plan shall be submitted by the applicant and approved by the Community Development Department. This plan and provisions for maintenance of private driveways and drainage facilities shall be included in the CC&R's prior to final map approval by Town staff.
41. The CC&R's shall contain provisions granting rights of access and parking, as necessary, to the owners, tenants, and their guests, of the condominium units.
42. Existing CC&Rs, if any, encumbering the property shall be amended as necessary for the proposed development of this project.
43. The applicant shall submit a request for unit, building and street addressing to the Town, and a request for street names for all streets within the subdivision. Approval of the addressing and street names shall be completed prior to approval of the map by staff.
44. For condominium projects the following statement shall appear on the signature sheet of the final map: "THIS SUBDIVISION IS A CONDOMINIUM PROJECT AS DEFINED IN SECTION 1350 OF THE CIVIL CODE OF THE STATE OF CALIFORNIA, CONTAINING A MAXIMUM 101 ROOMS WITHIN 28 UNITS AND IS FILED PURSUANT TO THE SUBDIVISION MAP ACT."

C. THE FOLLOWING CONDITIONS SHALL BE COMPLETED PRIOR TO ISSUANCE OF AN ENCROACHMENT, GRADING OR IMPROVEMENT PERMIT:

45. Construction of water and sewer improvements shall require water and sewer permits from the Mammoth Community Water District. Grading plans shall be submitted to the Town for review and approval and a grading permit in accordance with the municipal code shall be obtained from the Town and all mitigating measures and best management practices to prevent erosion and to protect existing trees shall be constructed prior to work commencing for any and all water and sewer improvements.
46. An application for a grading permit shall be submitted to the Engineering Services Division of the Public Works Department in accordance Chapter 12.08 of the municipal code. No change to the existing conditions of the site, including site grading, drainage interruption, land clearing, etc. shall be commenced until an engineered grading, drainage and landscape/irrigation plans have been approved by the Town Engineer.
47. A grading permit for the project shall not be issued prior to submission of a complete application for a building permit to the building division of the

Community Development Department. The building official shall make the determination as to whether or not the application is complete.

48. An encroachment permit or a letter of exemption shall be obtained from the Engineering Services Division of the Town prior to construction within the public right of way in accordance Chapter 12.04 of the Municipal Code.
49. No work within Town right of way shall be commenced until a traffic control plan has been approved by the engineering services division of the Town.
50. Street and public improvement plans for streets, sidewalks, drainage, and other public/private infrastructure shall be prepared by a registered civil engineer and submitted to the Town for review and approval. Existing topography and proposed grading with sufficient contours intervals (not to exceed two feet) shall be prepared by a registered civil engineer or a licensed land surveyor.
51. The mechanical design of the building shall include sufficient boiler capacity to supply adequate heat source for the heat trace demand for the public sidewalks, if any, adjacent to the project.
52. A thirty-five foot (35) foot radius of return grant of easement is required for rounding the corner of intersecting streets when the half-width right-of-way of any intersecting street is forty (40) feet or greater. A twenty-five (25) foot radius of return grant of easement is required for rounding the corners of intersecting streets if the half-width right-of-way of all intersecting streets is less than forty (40) feet. At intersections street dedication shall be from point of curb return (PCR) to PCR of property line.
53. Street profile grades shall not be less than 0.5% unless the engineer of work at the time of submittal of the improvement plans provides justification to the satisfaction of the Town Engineer confirming the adequacy of the grade and provided that drainage can be adequately maintained.
54. Final grading and improvement plans and profiles shall indicate the location of any existing utility facility that would affect construction. All existing utilities shall be shown on the improvement plans and relocated as necessary without cost to the Town. Existing overhead utilities requiring relocation shall be converted to underground.
55. Prior to approval of the improvement plans, the applicant shall contract with a soils testing engineer. Any proposed grading within the street right-of-way shall be done under the direction of the soils testing engineer. Compaction tests of embankment construction, trench backfill, and all sub-grades shall be performed at no cost to the Town. Prior to placement of any base materials, and/or paving, a written report shall be submitted by the soils testing engineer to the Town Engineer for review and approval.
56. A geotechnical report is required that confirms that the proposed infiltrator locations will not be subject to groundwater entering the drywell or cause leaching through an adjacent slope face. A sediment and oil water separator shall be installed in conjunction with the infiltrator, substantially in conformance with water quality Phase 2 requirements.

57. Slope stability tests are required for all cuts greater than 2:1 or fills greater than 3:1 (H:V).
58. A thorough evaluation of the structural street section, to include parkway improvements, from a qualified civil and/or geotechnical engineer, shall be submitted to the engineering services division.
59. All driveways shall be constructed in accordance with the driveway standards of the Town. (dependent upon final decision for driveway alignment)
60. In addition to the drainage, traffic related, or other requirements stated herein, other "on-site" or "off-site" improvements may be required which cannot be determined from tentative plans at this time and would have to be reviewed after more complete improvement plans and profiles have been submitted to the Town Engineer.
61. A grading permit for the project shall not be issued prior to approval of the landscaping and irrigation plans per Municipal Code 17.38.
62. The applicant shall submit a Notice of Intent and comply with the requirements of the General Construction Activity Storm Water Permit from the State Water Resources Control Board, in accordance with Board requirements.
63. Drainage across the property shall be maintained. The design of the grading and drainage facilities shall not create concentrated discharges to adjacent properties and/or public rights of way in excess of historical flows. A registered civil engineer shall investigate existing facilities and design adequate drainage facilities to intercept and conduct the drainage flows around or through the site in a manner that will not adversely affect adjacent or downstream properties. The Engineer shall verify that downstream facilities, and drainage channels accepting site flows are not adversely affected by an increase in runoff from this development. If the project does create concentrated or sheet flows off-site that are greater than historical, the applicant shall demonstrate that the downstream facilities can accommodate the increased flows; otherwise, the applicant shall provide on-site detention for excess flows.
64. A final hydrology and hydraulics study is required and shall be submitted with the grading and improvement plans for the project. The study shall be prepared in accordance with the grading chapter of the municipal code and the adopted Storm Drain Master Plan of the Town and shall be prepared by a registered civil engineer. The study shall include runoff from the entire site and shall also include runoff that enters the property from all upstream sources, and shall include all storm drains, drywells, infiltrators and surface flows. The study shall indicate the method of conveying surface and underground runoff and shall address drainage conveyances downstream to the extent they exit to an existing facility or natural drainage course. All existing drainage facilities on-site and tributary to the site shall be identified and shown on the grading plans. The hydraulic calculations shall include all pipe flows, velocities and head loss calculations sufficient to show the adequacy of all conveyance systems. Q100 and V100 and the hydraulic grade line for all public storm drains and all facilities with an equivalent diameter of 18 inches or greater shall be shown on the approved grading and improvement plans. The drainage study for the project and the final design of the storm drain system shall be approved prior to approval by staff of the grading and improvement

plans and the final map. Infiltrators and storm water pollution prevention facilities are to be designed to accept the "first flush" levels of runoff. The capacity of these facilities shall not be assumed to reduce storm water flows of other drainage facilities that may be required for the project.

65. Erosion control plans shall be included with the grading and improvement plans. Continuous water spraying or other approved methods shall be used during grading operations to control fugitive dust. Drop inlet filters and other temporary Best Management Practices shall be employed to filter nuisance water from storm drain inlets affected by construction, on-site and off-site. Groundwater pollution from urban run-off water generated by the project shall be mitigated using best management practices (BMP's), per the requirements of the California Regional Water Quality Control Board, Lahontan District, and as indicated in the "New Development and Redevelopment Guidelines". The applicant shall apply for and obtain all required permits, written clearances or exemptions from the Lahontan District prior to any grading. All BMP's shall be shown on the erosion control plans. If the Town inspector determines that the BMP's in place are not adequate, then additional BMP's shall be installed at the discretion of the Town inspector or a revised erosion control plan shall be prepared for approval by the engineering services division. Gravel bags shall be used in lieu of sand bags. All permanent erosion control measures shall be irrigated for at least one season. Permanent BMPs shall include sediment traps upstream of infiltrators and oil water separators for parking areas consistent with the General Plan.
66. A Construction Staging and Management Plan shall be submitted to, and approved by the Town Engineer prior to grading permit issuance. Said plan shall include provisions related to the parking of construction worker vehicles, construction equipment, construction materials, and specific limitations restricting access into non-developed portions of the site and the storage of materials within these areas. The staging plan and the final access roadway improvements shall all be approved by the Mammoth Lakes Fire Protection District prior to grading permit issuance. An approved copy of the plan shall be maintained on-site at all times and available to all contractors, subcontractors, their employees and the Town. The staging plan shall address hours of work, special approval for work outside hours allowed. The plan shall also contain provisions for interrupting utility services to neighboring properties and sufficient noticing to affected residents and property owners.
67. On the cover sheet of the grading plans and in a very conspicuous location place the following note: "The conditions of approval for the approved tentative tract map, TTM 09-001, and use permit, UPA 09-001, and all mitigation measures within the Mitigation Monitoring and Reporting Program contained in the resolution recorded at the County Recorder's Office of Mono County as Document No. 2009xxxxxx, shall be made a part of these plans and the grading permit and all conditions and requirements therein shall be adhered to by the contractor, his sub-contractors and any person performing any work on the project." This note shall also be included within the construction staging and management plan.

68. Prior to combustible materials being placed on-site, an all-weather access road shall be constructed serving all exterior portions of the structure to the satisfaction of MLFPD.
69. A shoring plan shall be prepared and submitted for review that demonstrates how the cuts along and adjacent to the property lines can be made without encroachment onto the adjacent property and in conformance with OSHA requirements.
70. Existing Town streets that require construction or reconstruction, shall remain open for traffic at all times, with adequate detours and traffic control, during actual construction. Surety shall be posted to cover the cost of grading and paving prior to approval by staff of the map.
71. The grading plan shall indicate all snow storage areas and drainage facilities.
72. All easements shall be shown on the grading plan.
73. All export shall be taken to, and all import shall be taken from a permitted site, which shall be identified at grading permit issuance. The applicant shall prepare a haul route, subject to the approval of the Town Engineer prior to the import or export of material for the site.
74. A tree removal plan shall be approved prior to any land disturbance and the issuance of a grading or building permit. A pre-construction meeting shall be held on-site prior to any land disturbance to inspect clearing limit fencing. The applicant shall obtain the necessary Timber Harvest Permit prior to any tree removal.
75. The grading plan shall include tree protection measures to address how construction can occur without disturbing the drip-line of retained trees. The drip-line areas shall be "fenced" off with barriers to prevent disturbance during site grading. Additionally, finish grading shall not disturb existing understory vegetation or retained trees. Grading operations shall not commence until all erosion control measures and tree protection measures are in place as shown on the approved plans, and as required by the Town.

D. THE FOLLOWING CONDITIONS SHALL BE COMPLETED PRIOR TO ISSUANCE OF BUILDING PERMITS:

76. Recordation of the final map. The applicant shall provide evidence to the Town that the map has recorded prior to issuance of the first building permit for the project. Evidence shall consist of the recording information of the final map.
77. For all retaining and screening walls, the applicant shall submit plans to and obtain a building permit from the building division.

E. PRIOR TO THE ISSUANCE OF THE FIRST TEMPORARY, CONDITIONAL OR FINAL CERTIFICATE OF OCCUPANCY THE FOLLOWING CONDITIONS SHALL BE COMPLETED:

78. All required landscaping and irrigation improvements shall be constructed prior to the first temporary, conditional or final certificate of occupancy for the project. Sureties shall be posted with the Town to the satisfaction of the Community Development Department for any required landscaping and irrigation improvements to be deferred and a schedule shall be submitted to the town for the construction of

the deferred improvements. Deferral of the construction of any landscaping and irrigation improvements shall be at the sole discretion of the director of the community development department.

79. Address numbers shall be placed on all new and existing structures in such a manner as to be plainly visible and legible from the access roadway or street, consistent with Municipal Code Section 16.32.
80. The final condominium plans for the project shall be submitted to the Town for review for conformance with the approved development plan, tentative map, use permit and CC&R's. The condominium plans shall conform to the conditions of approval with respect to ownership of required appurtenant use areas. Issuance of the first certificate of occupancy and recordation of the condominium plans shall not occur prior to Town approval of the condominium plans. The condominium plans shall be recorded prior to issuance of the first temporary, conditional or final certificate of occupancy for the project.
81. Construction of private streets and private facilities and related drainage improvements shall be inspected and certified by the Town Engineer according to Public Works Standard Plan 00-1.
82. All required grading, public and private street and drainage improvements shall be completed, all "punchlist" items completed to the satisfaction of the Town Engineer, the as-built plans submitted, reviewed and approved and the required warranty sureties posted prior the issuance of the first certificate of occupancy for the project.
83. Projects subject to a building permit shall have all required on and off-site improvements completed and approved prior to final inspection of any buildings or structures. The installation of any on or off-site improvements shall be sufficiently completed so as to assure protection from storm or drainage run off, a safe and drivable access for fire and safety, and the ordinary and intended use of buildings or structures. The Building Official, with the concurrence of the Town Engineer, may approve any plan or approve a change to an approved plan, which complies with the intent of this policy.
84. All deferred survey monumentation shall be completed, or surety posted, prior to the issuance of the first temporary, conditional or final certificate of occupancy for the project.

EXHIBIT C
Resolution No. PC-09-
Case No. Vesting TTM 09-001, UPA 09-001

MITIGATION MEASURES

AESTHETICS

- AES-1: To the maximum extent practical, the proposed project shall retain forested areas, and the development shall remain subordinate to the natural character of the site and surrounding landscape.
- AES-2: Prior to final approval of project development plans, the applicant shall submit a tree preservation and replacement plan pursuant to the Municipal Code, Zoning, requirements related to grading and clearing. The Preservation and Replacement Plan, including the type, size, number and location of replacement trees shall be subject to the approval of the Town of Mammoth Lakes Community Development Director.
- AES-3: Contour grading shall be used to blend manufactured slopes into the natural terrain. Grading shall be minimized to preserve existing landform and vegetation to the greatest extent possible.
- AES-4: The landscape design for the site shall maximize the use of existing vegetation, and where new plants are introduced, they shall include, and/or blend with, plants native to the Mammoth Lakes environment. Landscape plans for the site shall be completed by a certified landscape architect.
- AES-5: To the maximum extent feasible practical, native trees and landscaping shall be concentrated around all structures located on the project site.
- AES-6: Grading techniques shall be used which minimize the area of disturbance and shall incorporate such methods as decorative retaining walls rather than slopes to minimize the area of disturbance.
- AES-7: Staging locations shall be indicated on project Building Permit and Grading Plans and shall be subject to review by the Town of Mammoth Lakes Community Development Director in accordance with Municipal Code requirements.
- AES-8: Low-intensity street lighting and low-intensity exterior lighting shall be used throughout the development to the degree feasible. Lighting fixtures shall use shielding, if necessary, to prevent spill lighting on adjacent off-site uses.
- AES-9: Lighting used for various components of the development plan be reviewed under North Village Specific Plan design guidelines which shall include review of light intensity levels, fixture height, fixture location, and design.
- AES-10: The project shall use minimally reflective glass and all other materials used on exterior buildings and structures shall be selected with attention to minimizing reflective glare.

AES-11: Vegetative buffers shall be used to reduce light intrusion on residential development and on forested areas located adjacent to the project site.

AIR QUALITY

- AQ-1: In order to reduce fugitive dust emissions, each development project shall obtain permits, as needed, from the Town and the State Air Pollution Control District (APCD) and shall implement measures during grading and/or construction of the individual development sites to ensure compliance with permit conditions and applicable Town and APCD requirements.
- a. The individual development projects shall comply with State, APCD, Town, and Uniform Building Code dust control regulations, so as to prevent the soil from being eroded by wind, creating dust, or blowing onto a public road or roads or other public or private property.
 - b. Adequate watering techniques shall be employed on a daily basis to partially mitigate the impact of construction-generated dust particulates.
 - c. Clean-up on construction-related dirt on approach routes to individual development sites/improvements shall be ensured by the application of water and/or chemical dust retardants that solidify loose soils. These measures shall be implemented for construction vehicle access, as directed by the Town Engineer. Measures shall also include covering, watering or otherwise stabilizing all inactive soil piles (left more than 10 days) and inactive graded areas (left more than 10 days).
 - d. Any vegetative ground cover to be utilized on the individual development sites/improvements shall be planted as soon as possible to reduce the amount of open space subject to wind erosion. Irrigation shall be installed as soon as possible to maintain the ground cover.
 - e. All trucks hauling dirt, soil or other loose dirt material shall be covered.
- AQ-2: To reduce the potential of spot violations of the CO standards and odors from construction equipment exhaust, unnecessary idling of construction equipment shall be avoided.
- AQ-3: In order to reduce emissions associated with both mobile and stationary sources (i.e., wood burning stoves and fireplaces), the project shall adhere to the regulations contained in the *Air Quality Management Plan for the Town of Mammoth Lakes* and Chapter 8.30, *Particulate Emission Regulations*, of the Town's Municipal Code.
- AQ-4: The project shall contribute on a fair share basis to the Town's street sweeping operations in order to reduce emissions and achieve the required Federal standard.
- AQ-5: The project shall not be permitted to utilize wood burning appliances unless the Federal standard is documented to not be exceeded.

BIOLOGICAL RESOURCES

- BIO-1: The project shall preserve existing native vegetation to the maximum extent feasible. Landscaping shall emphasize the use of native plants indigenous to the Jeffrey Pine-Fir Forest plant community. Whenever possible, native plants used on-site shall be selected for their replacement habitat value. Site designs shall be subject to the Design Review procedure of the Town.
- BIO-2: Landscape materials shall be used that allow for the protection and preservation of existing trees. Native plant species, preferably from seed or cuttings from local plants, shall be used where possible. The Landscape Plan shall be approved by the Planning Director prior to issuance of any construction permits.
- BIO-3: Irrigation, fertilization and other landscape management practices shall be designed to minimize effects on existing trees and other vegetation.
- BIO-4: To the extent possible, native vegetation shall be retained and protected during construction. A Revegetation Plan, prepared by a qualified Landscape Architect and approved by the Town of Mammoth Lakes, shall be completed prior to the commencement of the project, which will describe in detail the species of trees and shrubs that will be used, where they will be planted and in what numbers, and the methods of planting and maintenance, which will ensure successful growth. It shall include a monitoring program to follow the progress of new plantings and ensure replacement of unsuccessful plants. Landscaping with native species of trees and shrubs shall be undertaken to enhance wildlife use of cleared areas.
- BIO-5: Under AB3180, once mitigation plans designed to off-set habitat losses are approved and the specific areas where they will be located are identified, the proponent must provide a program to monitor their progress for a period of time (usually three to five years) deemed sufficient by the Planning Director to assure their successful development. Adequate security shall be deposited with the Town to ensure successful implementation of this measure.
- BIO-6: All construction activities, including movement and storage of vehicles and the storage of building and other materials, shall be confined to areas slated for development. Care shall be taken during construction to avoid damage to vegetation and habitats not directly involved in project construction. Any vegetation inadvertently damaged outside of the area slated for development shall be replaced on a one-to-one basis on- or off-site. Off-site replacement shall require the approval of the Town Planning Director.
- BIO-7: To prevent erosion and siltation into intermittent creeks, areas cleared of vegetation, fill or other materials shall be stabilized after clearing and grading. Hay bales, silt screens or similar devices shall be used to prevent siltation. To further protect the drainage system and prevent erosion, all grading and construction shall be completed during the summer months, or after October 15 of each year be in a condition to be stabilized within 48 hours should inclement weather threaten.

- BIO-8: A Forest Condition Survey shall be conducted by a professional forester and approved by the Town of Mammoth Lakes, prior to the commencement of each individual development project. All trees greater than 12-inches dbh and significant stands of each project site shall be mapped prior to issuance of grading permits or clearing. A registered forester or arborist shall then determine the age and condition of these trees and whether they should be retained or removed based upon health and visual significance of the trees, except for removal required by approved improvements. Once this determination is made, those trees shall be retained and integrated into the design of each project. A program of specific protection measures shall be prepared by the developer and approved by the Town prior to issuance of any construction permits (e.g., construction fencing, grading controls, grading design, etc.). Any trees removed unavoidable by each final project approval shall be in accordance with Town policies. Off-site replacement shall require approval by the Town's Planning Director.
- BIO-9: Slash generated from construction or thinning operations shall be hauled from the site concurrent with the operation to prevent a breeding site for IPS. Logs shall be removed from the site as soon as possible.
- BIO-10: Construction and site development, such as grading and trenching, shall be prohibited within the dripline of retained trees. Equipment shall not be stored or driven under trees. Grading shall not cover the ground surface within the dripline of existing trees. Grading limits shall be clearly defined and protected.

CULTURAL RESOURCES

- CUL-1: In the event that a material of potential cultural significance is uncovered during grading activities on the project site, all grading in the area of the uncovered material shall cease and the project applicant shall retain a professional archaeologist to evaluate the quality and significance of the material. Grading shall not continue in the area where a material of potential cultural significance is uncovered until resources have been completely removed by the archaeologist and recorded as appropriate.

GEOLOGY AND SOILS

- GEO-1: Prior to issuance of grading or building permits, geotechnical studies shall be completed and their recommendations shall be incorporated in the project design.
- GEO-2: Soils and foundation analyses shall be approved by Town staff prior to final project design approval. All measures required by the Town shall be incorporated into final grading and building plans.
- GEO-3: The project applicant shall provide grading plans and receive approval from the Town Engineer. Said plans shall also show that new slopes within the project area are designed pursuant to slope requirements set forth within the Specific Plan and the standards of the Town's Municipal Code.
- GEO-4: All work shall be overseen by a licensed Civil Engineer (CE), Certified Engineering Geologist (CEG), or similar appropriately qualified professional,

who shall report to the Town Engineer in order to ensure the standards of the applicable codes are met.

- GEO-5: A comprehensive Erosion and Sediment Transport Control Plan shall be prepared by the project applicant and approved by the Town Engineer prior to the issuance of any grading or building permits. The Plan shall be included in the project design. The Plan shall also meet the requirements of the Regional Water Quality Control Board and the Town Municipal Code.
- GEO-6: The project operator shall cooperate with the Town in designing and disseminating information to assist citizens and visitors in responding to emergency situations that are likely to arise. All structures shall be designed and built to at least the standards of UBC Seismic Zone 4.

HYDROLOGY AND WATER QUALITY

- HYD-1: All drainage collection, retention, and infiltration facilities on the site shall be constructed and maintained in accordance with the *Mammoth Lakes SDMP* and shall be designed in accordance with the *Master Plan Design Manual*, to the satisfaction of the Town of Mammoth Lakes Town Engineer, prior to the issuance of grading permits.
- HYD-2: A more complete hydrology analysis for design purposes shall be required to be completed to estimate the amounts of runoff, which will be required to be retained on-site for each development. The analysis shall be approved prior to issuance of a grading permit.
- HYD-3: The following water conservation procedures shall be incorporated into project elements where feasible: landscape with low water-using plants; install efficient irrigation systems that minimize runoff and evaporation and maximize the water that will reach the plant roots, such as drip irrigation, soil moisture sensors, and automatic irrigation systems; and use pervious paving material whenever feasible.
- HYD-4: An Erosion and Sediment Control Plan shall be prepared by the project proponents prior to issuance of grading permits. The Plan shall be reviewed and approved by the Town of Mammoth Lakes and the Lahontan Regional Water Quality Control Board and be in accordance with the erosion control guidelines as contained in the Mammoth Lakes SDMP and be in compliance with the Water Quality Control Plan (for the Lahontan Region [Basin Plan]). General grading activities, including those related to demolition and construction, would be regulated by the Uniform Building Code and Town of Mammoth Lakes Grading Ordinance. The required Erosion and Sediment Control Plan shall outline methods that will be implemented to control erosion and sediment transport from graded or cleared portions of the individual redevelopment/ improvement sites.
- HYD-5: A Waste Discharge Report (related to soil disturbance) shall be prepared by the project applicant and submitted to the Lahontan Regional Water Quality Control Board not less than 90 days before the intended start of construction activities of a new development to obtain a Waste Discharge Permit or waiver to ensure that proper control measures for the protection of water quality are

taken and adhered to during all phases of the development project. A copy of the Waste Discharge Report shall be submitted to the Town of Mammoth Lakes engineering division prior to issuance of a grading permit for the project.

- HYD-6: Best Management Practices (BMPs) shall be implemented to the satisfaction of the Lahontan Regional Water Quality Control Board and NPDES Program requirements in order to protect the receiving waters from degradation and correct existing problems. BMPs include structural controls such as retention/detention basins, oil-water separators, which could be implemented in the overall design of the proposed drainage facilities for individual development sites.

NOISE

- N-1 Pursuant to Chapter 8.16.090 of the Town's Noise Ordinance, construction activities shall be limited to the hours of 7:00 a.m. to 8:00 p.m. Monday through Saturday and prohibited on Sunday or holidays, or as otherwise permitted by Chapter 8.16.090.
- N-2 Construction equipment shall be muffled or controlled, if required, to meet Chapter 8.16 requirements for maximum noise generated by construction equipment. Contracts shall specify that engine-driven equipment be fitted with appropriate noise mufflers.
- N-3 The construction contractor shall provide temporary sound barriers around pile driving sites to the satisfaction of the Town Engineer should such activities take place in areas within 400 feet of existing residential units, if required to meet Chapter 8.16 requirements.
- N-4: The proposed project shall be located or architecturally designed to reduce the project noise impacts upon properties adjacent to each master planned area or project property line, such that the exterior noise levels will not exceed Town Noise Ordinance requirements for an urban and multiple family setting. Design features could include setbacks, berms, landscaping, and architectural features, adjacent to both arterial and interior streets.
- N-5: Multi-family buildings shall be located or architecturally designed so the interior noise level will not exceed 45 Ldn. As a minimum, multi-family housing shall comply with Title 24 of the California Code of Regulations.

PUBLIC SERVICES

- PS-1: Access roads to all structures, and areas of use, shall comply with Mammoth Lakes Fire Protection District Ordinance 98-01 (or any updated version of that ordinance).
- PS-2: An approved water supply system capable of supplying required fire flow for fire protection purposes, as determined by the Fire District, shall be approved.
- PS-3: In accordance with A.B. 2926, the developer shall pay Developer Fees for commercial uses and for residential uses (condominiums).

- PS-4: The project proponent shall contribute a fair share financial contribution in accordance with the Town's DIF Mitigation Program established under Resolution 98-06 (or any updated version of that ordinance).

TRANSPORTATION/TRAFFIC

- TRA-1: The developer shall prepare and provide to the Town Engineer for review and approval, a Traffic Control Officer Monitoring Plan. The Plan shall outline at a minimum, scheduled days of monitoring together with a program to determine additional days of monitoring as may be determined by projected occupancy rates, performance criteria, duration of monitoring, and responsible parties.
- TRA-2: New development shall participate on a fair share basis in the development and operation of a community-wide winter transit system to achieve the ridership levels assumed in the MTM.

UTILITIES AND SERVICE SYSTEMS

- USS-1: The project applicant shall pay the appropriate fees to the Mammoth Community Water District (MCWD). All new water and wastewater conveyance facilities shall be located and installed within public rights-of-way or utility easements.
- USS-2: Prior to issuance of a building permit, the applicant shall provide an Integrated Solid Waste Management Plan (ISWMP) consistent with the Town's SRRE. The plan shall address, at a minimum, the following measures: construction demolition; recycling; composting; source reduction programs; storage areas for collected recyclable materials, and disposal of hazardous waste materials used on-site.

ATTACHMENT 2

APPLICATION SUMMARY FORM
Vesting TTM 09-001, UPA 09-001

APPLICATION TITLE & CASE NO:		CASE MANAGER & CONTACT INFORMATION:	
Vesting TTM 09-001, UPA 09-001: Vista Pointe		Pam Kobylarz (760) 934. 8989 x253	
PROJECT ADDRESS/LOCATION:		APPLICANT INFORMATION:	
94 and 151 Berner Street, SE corner of Berner and Forest Trail (APN 033-041-011, 039-030-014)		Mammoth Specialty Lodging, LLC	
PERMIT/APPLICATION TYPE(S):			
<input type="checkbox"/> Administrative Permit <input checked="" type="checkbox"/> Use Permit <input type="checkbox"/> Design Review <input type="checkbox"/> Administrative Adjustment <input type="checkbox"/> Variance <input type="checkbox"/> Master Sign Program <input type="checkbox"/> Tentative Parcel Map <input checked="" type="checkbox"/> Tentative Tract Map (Vesting) <input type="checkbox"/> Lot Line Adjustment		<input type="checkbox"/> Zoning Code Amendment - Text <input type="checkbox"/> Zoning Code Amendment - Map <input type="checkbox"/> General Plan Amendment - Text <input type="checkbox"/> General Plan Amendment - Map <input type="checkbox"/> District Zoning Amendment <input type="checkbox"/> Specific Plan <input type="checkbox"/> Master Plan <input type="checkbox"/> Planned Unit Development <input type="checkbox"/> Other:	
APPROVAL BODY:		Public Meeting <input type="checkbox"/> Administrative <input type="checkbox"/>	
<input type="checkbox"/> Administrative <input checked="" type="checkbox"/> Planning Commission <input type="checkbox"/> Town Council		<input type="checkbox"/> Advisory Design Panel <input type="checkbox"/> Other:	
ENVIRONMENTAL DETERMINATION AND NOTICING:			
CEQA Determination	<input type="checkbox"/> Categorical Exemption <input type="checkbox"/> Negative Declaration or <input type="checkbox"/> Mitigated Negative Declaration <input checked="" type="checkbox"/> Conformance to Environmental Document Summary: NVSP Program EIR <input type="checkbox"/> Environmental Impact Report, Type:		
CEQA Noticing	<input type="checkbox"/> Notice of Exemption (w/in 5 days of decision) <input type="checkbox"/> Notice of Completion <input type="checkbox"/> Notice of Determination (w/in 5 days of decision) <input type="checkbox"/> Fish & Game Certificate of Fee Exemption (w/in 5 days of decision) <input type="checkbox"/> Notice of Preparation <input type="checkbox"/> Notice of Availability <input type="checkbox"/> Notice of Completeness		
PUBLIC NOTIFICATION:			
Mailing Date: 11-2-09	<input checked="" type="checkbox"/> Property Owners <input type="checkbox"/> Adjacent Property Owners	<input checked="" type="checkbox"/> w/in 300' foot radius <input type="checkbox"/> w/in 300' foot radius / Extended: _____ <input type="checkbox"/> Other:	
Posting Date:	<input type="checkbox"/> Onsite <input type="checkbox"/> Offsite	<input type="checkbox"/> Other:	
Publication Date: 11-6-09	<input checked="" type="checkbox"/> Mammoth Times	<input type="checkbox"/> Other:	
Courtesy Date:	<input type="checkbox"/> Town Council <input type="checkbox"/> Commissions <input type="checkbox"/> Town Website	<input type="checkbox"/> Press Release <input type="checkbox"/> HOA /Neighborhood Groups <input type="checkbox"/> Town Organizations <input type="checkbox"/> Other:	

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GENERAL INFORMATION:			
General Plan: Specific Plan (NVSP)		Zoning: North Village Specific Plan (SP)	
Existing Land Use: 1 single-family home, several industrial buildings.		Overlay Zone/District: N/A	
ADJACENT ZONING AND LAND USES:			
<u>Location</u>	<u>Zoning</u>	<u>Land Use</u>	
North:	NVSP - SL	Community Center	
South:	NVSP - SL	Single-family home	
East:	NVSP - SL	Innsbruck Lodge, Kitzbuhel Apartments	
West:	NVSP - SL	Vacant – South Hotel site	
PROJECT DATA:			
	<u>Existing</u>	<u>Required</u>	<u>Proposed</u>
Lot Coverage:	Unknown	60%	49%
Snow Storage:	Unknown	60%	66.3%
Parking	Existing unknown		
Studio:		1 – 1 space	60
Two Bedroom:		8 – 16 spaces	
Three Bedroom:		19 – 18 spaces	
Guest:		3	5
Total:		58	65
<u>Building Height</u>	1 story	Please refer to Table 4 in the staff report dated 11-18-09	Please refer to Table 3 in the staff report dated 11-18-09
<u>Building Setbacks</u>	Existing unknown	Please refer to Tables 4 and 5 in the staff report dated 11-18-09	Please refer to Tables 4 and 5 in the staff report dated 11-18-09
MITIGATION SUMMARY:			
<input checked="" type="checkbox"/> Affordable Housing: Pay in-lieu or provide offsite pursuant to code <input type="checkbox"/> In Lieu Parkland: _____		<input type="checkbox"/> Dedications: _____ <input checked="" type="checkbox"/> Public Art: Provide art onsite pursuant to code <input type="checkbox"/> Bond/Surety: _____ <input type="checkbox"/> Easements: _____	
APPLICATION STATUS:			
Intake Date: 4-30-09		Date Complete: 7-16-09	DRC Final Conditions: 10-21-09
INTERDEPARTMENTAL AND AGENCY REVIEW:			
Required <input checked="" type="checkbox"/> Community Development - Building Official: <input checked="" type="checkbox"/> Community Development - Current Planning: <input type="checkbox"/> Community Development - Design Review: <input checked="" type="checkbox"/> Public Works – Engineering: <input type="checkbox"/> Public Works - Capital Improvements: <input type="checkbox"/> Tourism and Recreation - Parks & Trails: <input type="checkbox"/> Tourism and Recreation - Resort & Lodging: <input checked="" type="checkbox"/> Mammoth Lakes Housing:		Required <input checked="" type="checkbox"/> Mammoth Lakes Fire District: <input checked="" type="checkbox"/> Mammoth Lakes Community Water District: <input type="checkbox"/> Great Basin Air Pollution Control District: <input type="checkbox"/> United States Forest Service: <input type="checkbox"/> Mammoth Disposal: <input type="checkbox"/> High Sierra Energy Foundation (referral): <input type="checkbox"/> Other _____ <input type="checkbox"/> Other _____	

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ATTACHMENT 3



Draft
CEQA CONFORMANCE REVIEW

Vista Pointe

LEAD AGENCY:

Town of Mammoth Lakes
437 Old Mammoth Road, Suite R
Mammoth Lakes, California 93546
Contact: Ms. Pam Kobylarz
760.934.8989 x253

PREPARED BY:

Town of Mammoth Lakes
437 Old Mammoth Road, Suite R
Mammoth Lakes, California 93546
Contact: Ms. Pam Kobylarz
760.934.8989 x253

November 18, 2009



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1.0 INTRODUCTION

The Community Development Department of the Town of Mammoth Lakes (Town) has prepared this environmental documentation to address the environmental impacts of a use permit for a specific development project described as Vista Pointe: Use Permit (UPA) 09-001 and Vesting Tentative Tract Map (TTM) 09-001. The application request is for a 28-unit, 101-room resort lodge facility with associated owner/guest related amenities including common area, underground parking facilities, owner's lounge, a rooftop pool and terrace, locker rooms, and a pedestrian plaza. The project will be accessed from Forest Trail and will be 100% valet parked; pedestrian access will be encouraged and a pedestrian connection to the Village and gondola will be emphasized. Following preliminary review of the proposed Vista Pointe project, the Town of Mammoth Lakes has determined that it is subject to the guidelines and regulations of the California Environmental Quality Act (CEQA). This study analyzes the potential environmental impacts of the proposed Vista Pointe project and its consistency with the existing 1999 North Village Specific Plan EIR, a program EIR covering future development within the North Village Specific Plan area, including the Vista Pointe site.

1.1 PRIOR ENVIRONMENTAL DOCUMENTATION

The proposed project is located within the area covered by the North Village Specific Plan (NVSP). The NVSP was originally adopted in 1991 and amended in 1994. The NVSP was further amended by the 1999 North Village Specific Plan Amendment and again in 2008 and 2009.

Prior to approval of the 1999 North Village Specific Plan Amendment, the Town prepared and the Town Council reviewed and certified, pursuant to CEQA, the Subsequent Program Environmental Impact Report for the North Village Specific Plan Amendment (Program EIR), identified as State Clearinghouse No. 99-092082. The Program EIR reviews and updates the EIR certified for the original Specific Plan in 1991 (1991 EIR) and an addendum to the 1991 EIR (1994 EIR Addendum) certified in connection with the 1994 amendment to the NVSP. The 2008 Specific Plan Amendments were determined to be within the scope of prior environmental documents, and no further CEQA analysis was necessary. The 2009 Specific Plan amendment, which related to three parcels within the NVSP, was addressed in a separate environmental document, the Mammoth Crossing EIR.

The NVSP and the Program EIR cover an area (Specific Plan area) consisting of approximately 64.1 acres, located in the northwestern portion of the Town in the vicinity of the intersection of Main Street/Lake Mary Road and Minaret Road.

1.2 USE OF PROGRAM EIR

Section 15168(c) of the CEQA Guidelines describes the use of a Program EIR for specific subsequent activities included in the program, as follows:

"Subsequent activities in the program must be examined in the light of the program EIR to determine whether an additional environmental document must be prepared."



- (1) If a later activity would have effects that were not examined in the program EIR, a new initial study would need to be prepared leading to either an EIR or a negative declaration.*
- (2) If the agency finds that pursuant to Section 15162, no new effects could occur or no new mitigation measures would be required, the agency can approve the activity as being within the scope of the project covered by the program EIR, and no new environmental document would be required.*
- (3) An agency shall incorporate feasible mitigation measures and alternatives developed in the program EIR into subsequent actions in the program.*
- (4) Where the subsequent activities involve site-specific operations, the agency should use a written checklist or similar device to document the evaluation of the site and the activity to determine whether the environmental effects of the operation were covered in the program EIR.*
- (5) A program EIR will be most helpful in dealing with subsequent activities if it deals with the effects of the program as specifically and comprehensively as possible. With a good and detailed analysis of the program, many subsequent activities could be found to be within the scope of the project described in the program EIR, and no further environmental documents would be required."*

The Program EIR assessed the overall impacts of the development permitted under the North Village Specific Plan, as amended in 1999. The Program EIR, together with the 1991 EIR and the 1994 EIR Addendum, are incorporated herein by this reference, as permitted under the CEQA Guidelines. This document has been prepared to show that no new impacts could occur or no new mitigation measures would be required as a result of the proposed Vista Pointe development, and to incorporate appropriate mitigation measures from the Program EIR.

1.3 INCORPORATION BY REFERENCE

The references outlined below were utilized during preparation of this document. The documents are available for review at the Town of Mammoth Lakes Community Development Department, located at 437 Old Mammoth Road, Mammoth Lakes, California 93546.

- *Town of Mammoth Lakes Municipal Code (Municipal Code).* The *Municipal Code* consists of regulatory, penal, and administrative ordinances of the Town of Mammoth Lakes. It is the method the Town uses to implement control of land uses, in accordance with *General Plan* goals and policies. The Town of Mammoth Lakes Zoning Ordinance, Title 17, of the *Municipal Code*, identifies land uses permitted and prohibited according to the zoning category of particular parcels. The Buildings and Construction Ordinance, Title 15, specifies rules and regulations for construction, alteration, and building for uses of human habitation. Subdivisions are regulated under separate ordinances not contained within the *Municipal Code*.



- 1991 North Village Specific Plan (June 1991). The 64-acre North Village Specific Plan Area is located in the northwest portion of the Town. The objectives of the 1991 North Village Specific Plan were to provide a more refined description of land uses and development policies, which, while conforming to the overall development goals, establish North Village as a center of year-round resort activity. The 1991 North Village Specific Plan included improvements to infrastructure, particularly roads that would not only be helpful in accommodating new development, but would also improve existing conditions. The development was intended to create an active resort core, which would add to the economic vitality and social richness of the community. It also aimed to add a shopping, recreational, and accommodations experience not present in Mammoth Lakes while reducing the pressures for sprawl onto adjoining National Forest lands. Although primarily oriented toward visitors, the 1991 North Village Specific Plan included provisions for the development of permanent resident and employee housing as well as significant new employment opportunities.
- 1991 North Village Specific Plan Final Environmental Impact Report, Comments and Responses, Appendices (February 1991). This EIR addresses the 1991 Specific Plan in the North Village. Under ultimate build-out, the Specific Plan would allow for 2,000 new hotel units, 400 resort condominium units, 60,000 square feet of commercial/retail space, a skating rink, and ski lift. Approximately 34-acres (53 percent) of the Specific Plan had already been substantially developed. Planned land uses within the project area varied and include hotels, restaurants, visitor-oriented and general commercial operations, professional medical offices, condominiums, single-family homes and community facilities. The final EIR includes responses to 19 comments received on the Draft EIR. The Town of Mammoth Lakes certified the Final EIR on April 17, 1991. The EIR concluded unavoidable adverse impacts for land use (as it relates to visual impacts), schools and fiscal impacts related to public services and utilities. Potentially significant impacts were identified for traffic while significant impacts (after mitigation) were concluded for aesthetics associated with the proposed gondola.
- 1994 North Village Specific Plan Amendment (May 1994). The 1994 Amendment further refined the design of the North Village Pedestrian Core area and to realign Canyon Boulevard to meet with Millers Siding/Lake Mary Road as a Collector Street. The design refinement did not alter the concept of the North Village Specific Plan approved in 1991.
- North Village Specific Plan Final Environmental Impact Report Addendum (May 1994). The Addendum EIR focuses upon limited design modifications, which required additional review to confirm the validity of the original study. The Addendum contains a detailed and comprehensive review of the changes and resulting impacts. It was concluded that the proposed changes do not cause any new significant impacts that would require major revisions to the 1991 EIR.
- 1999 North Village Specific Plan Amendment (Adopted December 2000). The 1999 Amendment further refined circulation modifications, parking allocation, height limitations, setback requirements, the design review process, and provisions for housing.



- Subsequent Program Environmental Impact Report for the North Village 1999 Specific Plan Amendment (October 2000). Prior to approval of the 1999 North Village Specific Plan (NVSP) Amendment, the Town prepared and the Town Council reviewed and certified, pursuant to CEQA, the *Subsequent Program Environmental Impact Report for the North Village Specific Plan Amendment* (1999 NVSP EIR), identified as State Clearinghouse No. 99-092082. The 1999 NVSP EIR reviewed and updated the Environmental Impact Report certified for the original Specific Plan in 1991 ("1991 EIR") and an Addendum to the 1991 EIR ("1994 EIR Addendum") certified in connection with the 1994 NVSP Amendment.

Based upon the 1994 NVSP, North Village buildout would result in approximately 3,020 accommodation rooms, in addition to affordable housing, and 135,000 square feet of commercial uses. Three land use districts were established with the highest intensity district permitting a maximum of 48 rooms per acre, with an overall project density of approximately 54 rooms per acre. The design emphasized the creation of diverse shopping, accommodation, recreational, residential and cultural opportunities which appeal to all ages and family interests. The 1999 NVSP EIR concluded that although in 1999, the NVSP was amended, it remained consistent with the 1994 NVSP. Key changes associated with the 1999 NVSP Amendment include circulation modifications, parking allocation, height limitations, setback requirements, the design review process, and housing.

- Town of Mammoth Lakes General Plan 2007. The Town of Mammoth Lakes General Plan was adopted in August 2007. The Plan establishes standards, guidelines, and priorities that define the community now and for the future. The Plan identifies numerous goals, policies, and actions to be followed in order to achieve the character desired for Mammoth Lakes. The *2007 General Plan* is divided into the following elements:

- Economy;
- Arts, Culture, Heritage & Natural History;
- Community Design;
- Neighborhood and District Character;
- Land Use;
- Mobility;
- Parks, Open Space, and Recreation;
- Resource Management and Conservation; and
- Public Health and Safety.

The goals and policies of the *2007 General Plan* set the overall tone for development and land use in Mammoth Lakes.

- Town of Mammoth Lakes Final Program Environmental Impact Report on the General Plan (2007). The 2007 General Plan Final Program EIR analyzes the land use, circulation, and policy impacts with buildout of the 2007 General Plan. Potentially significant impacts were identified in a number of areas, including significant and unavoidable cumulative impacts to aesthetics, air quality, biological resources, wildland fire hazards, noise, and recreation.



- 2008 North Village Specific Plan Amendment (Amended January 2008). This amendment made changes to the development standards for three parcels located to the northeast of the intersection of Minaret Road and Main Street.
- 2009 North Village Specific Plan Amendment (Amended October 2009). This amendment made changes to the development standards for three parcels located to the northwest, southwest, and southeast corners of the intersection of Minaret Road and Main Street.
- Mammoth Crossing Environmental Impact Report (September 2009). The Mammoth Crossing EIR focuses on the site-specific and cumulative impacts of revised development standards on the three Mammoth Crossing sites, including increased height and density beyond that identified in the 1999 NVSP and subsequent amendments. The EIR concluded that the amendments would result in unavoidable site-specific visual impacts based on views and short-term construction, construction noise, and construction air quality. Other impacts were identified but were found to be able to be mitigated to a less than significant impact.



2.0 PROJECT DESCRIPTION

2.1 PROJECT LOCATION AND EXISTING CONDITIONS

The subject property is located at the southeast corner of Berner Street and Forest Trail; refer to Exhibit 1, Site Context Map. It is located within the North Village Specific Plan (NVSP) area and is zoned Specialty Lodging (SL). The property is bounded by Forest Trail to the north, Berner Street to the west and south, and two SL-zoned parcels within the NVSP area that house the existing Innsbruck Lodge and the currently vacant Kitzbuhel Apartments. To the north of the site across Forest Trail is the Town-owned Community Center property, which includes the former Town library, the Community Center, and a small park and tennis courts. The former library building is currently vacant but a preschool is due to open in the building in fall 2009. The currently entitled South Hotel parcels lie to the west of the site across Berner Street. To the south of the site across Berner Street are several SL-zoned parcels that are either vacant or contain small single-family homes.

The property itself is approximately 2.1 acres in size. There are four industrial style buildings on the southern side of the site, whose major tenants include the Mammoth Brewing Company and a Taekwondo studio. The site also contains a 4-bedroom single family home that is accessed off of Forest Trail. The developed portions of the site are generally to the west and south of the site in somewhat of an "L" shape. These areas constitute about 38% of the site, and are generally flat. The north and east parts of the site are undeveloped and include a significant number of existing trees. In addition to being forested, the northern portion of the site is sloped; there is a 40-foot drop in elevation from Forest Trail to Berner Street along the eastern edge of the property.

2.2 PROJECT CHARACTERISTICS

The application request is for a use permit and vesting tentative tract map for a 28-unit resort lodge facility that would contain 101 rooms with associated owner/guest related amenities including common area, underground parking facilities, owner's lounge, a rooftop pool and terrace, locker rooms, and a pedestrian plaza; refer to Exhibit 2, Conceptual Site Layout. The project would be accessed from Forest Trail and would be 100% valet parked; pedestrian access would be encouraged and a pedestrian connection to the Village and gondola would be provided. The building would be LEED certified and is designed to take advantage of solar access and the existing trees on-site.

2.3 BACKGROUND

The project site is within the North Village Specific Plan, which was originally approved by the Town of Mammoth Lakes in 1991. The primary purpose of the NVSP is to provide land use guidelines and development standards for the North Village area, which enables the development of a pedestrian-oriented resort activity node, with supporting facilities. The NVSP is located in the northwest portion of the Town of Mammoth Lakes and consists of approximately 64 acres. More specifically, the NVSP is located adjacent to Main Street, Lake Mary Road and Minaret Road.



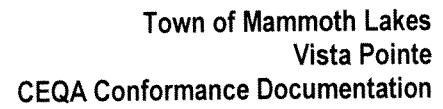
The NVSP identifies the subject property as having a Specialty Lodging zoning designation. The SL zone is intended to accommodate uses such as lodges, bed and breakfast establishments, resort condominiums, European-style inns, and other similar uses. The proposed project is consistent for the vision within the SL zone; it is also consistent with the zoning standards for density, height, setbacks, and other relevant requirements outlined in the NVSP.

Prior to approval of the 1999 NVSP Amendment, the Town prepared and the Town Council reviewed and certified, pursuant to CEQA, the *Subsequent Program Environmental Impact Report for the North Village Specific Plan Amendment* (1999 NVSP EIR), identified as State Clearinghouse No. 99-092082. The 1999 NVSP EIR reviewed and updated the CEQA clearance for the original Specific Plan in 1991 ("1991 EIR") and an Addendum to the 1991 EIR ("1994 EIR Addendum") for the 1999 NVSP Amendment. The project would be consistent with the land use and density assumptions for the property as analyzed in these prior environmental documents, and in the recent Mammoth Crossing EIR.

2.4 AGREEMENTS, PERMITS, AND APPROVALS

The Town of Mammoth Lakes approvals required for development of the Vista Pointe project would include, but would not be limited to:

- CEQA clearance;
- Use permit;
- Design review;
- Tentative tract map;
- Grading permit; and
- Building permit.



St. Anton Circle

Vacation Place

Holiday Way

Forest Trail

Mala Ulise

Alpine Circle

Canyon Blvd

Miner Road

Berner Street

Unknown

Gindalwald Road

Project Site

200 Feet

N

[illegible]



3.0 ENVIRONMENTAL ANALYSIS

The following is a discussion of potential project impacts for each relevant topic area addressed in the Program EIR.

3.1 AESTHETICS

Section 5.3 of the Program EIR evaluates the potential impacts to visual character, scenic vistas and resources, and light and glare impacts. The Program EIR finds that with mitigation the potential impacts to scenic vistas, scenic resources, visual character, and light and glare have been reduced to a less than significant level. The proposed Vista Pointe project is within the building envelope considered for this site by the Program EIR, and therefore the impacts of the project, as conditioned by UPA 09-001, on aesthetics and light and glare were covered in the Program EIR analysis and do not exceed the effects evaluated in the Program EIR. A number of mitigation measures from the Program EIR will be required for this project, and are discussed below in more detail.

The proposed building is not located within the vicinity of a state scenic highway. The Program EIR does not identify any designated scenic vistas within the Specific Plan area, but notes that motorists and pedestrians traveling within the North Village Specific Plan area south along Minaret Road have significant views of the Sherwin Range to the south. Since this project is located over 300 feet east of Minaret Road it would not block or adversely impact any existing views to the Sherwin Range. Furthermore, there are no existing views from Forest Trail to the Sherwin Range that would be blocked but a future building on this site.

The proposed building will change, and could potentially degrade, the existing visual character or quality of the site. A portion of the site is currently disturbed and contains several one-story, industrial-style buildings. While the new building is proposed to utilize the already disturbed portion of the site for the majority of its footprint, some trees will need to be removed, and the character of the site will change with a large, single building in place of the smaller existing buildings. The architecture and other design features proposed as part of the project have been reviewed by the Town's Advisory Design Panel (ADP) to ensure that they provide an attractive and harmonious visual appearance with other properties in the North Village and the Town. The new building will include new light sources, both light emanating from building interiors that pass through windows and light from exterior sources. This will likely create a new source of light and glare that could potentially impact day or nighttime views in the area. The following mitigation measures from the Program EIR will mitigate any potential impacts to visual character and light and glare to a less than significant level.

Mitigation Measures:

- AES-1: To the maximum extent practical, the proposed project shall retain forested areas, and the development shall remain subordinate to the natural character of the site and surrounding landscape.
- AES-2: Prior to final approval of project development plans, the applicant shall submit a tree preservation and replacement plan pursuant to the Municipal Code,



Zoning, requirements related to grading and clearing. The Preservation and Replacement Plan, including the type, size, number and location of replacement trees shall be subject to the approval of the Town of Mammoth Lakes Community Development Director.

- AES-3: Contour grading shall be used to blend manufactured slopes into the natural terrain. Grading shall be minimized to preserve existing landform and vegetation to the greatest extent possible.
- AES-4: The landscape design for the site shall maximize the use of existing vegetation, and where new plants are introduced, they shall include, and/or blend with, plants native to the Mammoth Lakes environment. Landscape plans for the site shall be completed by a certified landscape architect.
- AES-5: To the maximum extent feasible practical, native trees and landscaping shall be concentrated around all structures located on the project site.
- AES-6: Grading techniques shall be used which minimize the area of disturbance and shall incorporate such methods as decorative retaining walls rather than slopes to minimize the area of disturbance.
- AES-7: Staging locations shall be indicated on project Building Permit and Grading Plans and shall be subject to review by the Town of Mammoth Lakes Community Development Director in accordance with Municipal Code requirements.
- AES-8: Low-intensity street lighting and low-intensity exterior lighting shall be used throughout the development to the degree feasible. Lighting fixtures shall use shielding, if necessary, to prevent spill lighting on adjacent off-site uses.
- AES-9: Lighting used for various components of the development plan be reviewed under North Village Specific Plan design guidelines which shall include review of light intensity levels, fixture height, fixture location, and design.
- AES-10: The project shall use minimally reflective glass and all other materials used on exterior buildings and structures shall be selected with attention to minimizing reflective glare.
- AES-11: Vegetative buffers shall be used to reduce light intrusion on residential development and on forested areas located adjacent to the project site.

3.2 AGRICULTURAL RESOURCES

The Program EIR does not identify any significant impacts to agricultural resources since there is no evidence that the site has been used for agricultural production nor are there any agricultural operations within the vicinity. Therefore, project implementation would have no impact to agricultural resources. No mitigation measures are required.

3.3 AIR QUALITY



Section 5.5 of the Program EIR evaluates the impacts of implementation of the Specific Plan on air quality. The Program EIR determined that, on a cumulative level, the North Village project would contribute to a current violation of the state and federal PM₁₀ standards and that this contribution would be significant and unavoidable. Since the Vista Pointe project is within the scope of development that was intended for this site, the impacts of the project were covered in the Program EIR and project implementation would not increase the impacts beyond those anticipated. Implementation of the project would contribute to the cumulative air quality impacts on some level.

Construction has the potential to create short-term air quality impacts with the use of construction equipment and through vehicle trips generated from construction workers traveling to and from the project site especially since the project proposes to excavate soil in order to develop a subterranean parking structure. Construction and operation of the project would result in an increase in air emissions, such as those associated with construction equipment and vehicle trips, as compared to existing conditions. These impacts would be less than significant with mitigation incorporated. Construction activity associated with the project may generate detectable odors from heavy-duty equipment exhaust. Construction related odors would be short-term in nature and cease upon project completion. With compliance to the Mitigation Measure AQ-1 for construction activities, the proposed project is not anticipated to result in significant short-term construction impacts.

Sensitive receptors are defined as facilities or land uses that include members of the population that are particularly sensitive to the effects of air pollutants, such as children, the elderly, and people with illnesses. Examples of these sensitive receptors are residences, schools, hospitals, and daycare centers. There is a new preschool located across the street from the project site; however, the risk of exposure of objectionable odors or pollutants to sensitive receptors or a substantial number of people is less than significant with mitigation.

Mitigation Measures:

- AQ-1: In order to reduce fugitive dust emissions, each development project shall obtain permits, as needed, from the Town and the State Air Pollution Control District (APCD) and shall implement measures during grading and/or construction of the individual development sites to ensure compliance with permit conditions and applicable Town and APCD requirements.
- a. The individual development projects shall comply with State, APCD, Town, and Uniform Building Code dust control regulations, so as to prevent the soil from being eroded by wind, creating dust, or blowing onto a public road or roads or other public or private property.
 - b. Adequate watering techniques shall be employed on a daily basis to partially mitigate the impact of construction-generated dust particulates.
 - c. Clean-up on construction-related dirt on approach routes to individual development sites/improvements shall be ensured by the application of water and/or chemical dust retardants that solidify loose soils. These measures shall be implemented for construction vehicle access, as directed by the Town Engineer. Measures shall also include covering,



watering or otherwise stabilizing all inactive soil piles (left more than 10 days) and inactive graded areas (left more than 10 days).

- d. Any vegetative ground cover to be utilized on the individual development sites/improvements shall be planted as soon as possible to reduce the amount of open space subject to wind erosion. Irrigation shall be installed as soon as possible to maintain the ground cover.
- e. All trucks hauling dirt, soil or other loose dirt material shall be covered.

AQ-2: To reduce the potential of spot violations of the CO standards and odors from construction equipment exhaust, unnecessary idling of construction equipment shall be avoided.

AQ-3: In order to reduce emissions associated with both mobile and stationary sources (i.e., wood burning stoves and fireplaces), the project shall adhere to the regulations contained in the *Air Quality Management Plan for the Town of Mammoth Lakes* and Chapter 8.30, *Particulate Emission Regulations*, of the Town's Municipal Code.

AQ-4: The project shall contribute on a fair share basis to the Town's street sweeping operations in order to reduce emissions and achieve the required Federal standard.

AQ-5: The project shall not be permitted to utilize wood burning appliances unless the Federal standard is documented to not be exceeded.

3.4 BIOLOGICAL RESOURCES

Section 5.9 of the Program EIR evaluates the impacts of implementation of the Specific Plan on Biological Resources. The Program EIR concludes that no unavoidable significant impacts beyond those previously identified in the 1991 EIR and the 1994 EIR Addendum and the Town's General Plan EIR will occur. The proposed project is consistent with all of the standards of the North Village Specific Plan, and therefore, the impacts of the project on biological resources were covered in the Program EIR analysis and do not exceed the effects evaluated in the Program EIR. Applicable mitigation measures from the Program EIR will also be applied to the Vista Pointe project.

The site does not contain any wetlands or riparian habitat, so there are no potential impacts in those areas. Additionally, there are no local or other conservation plans in place for this area. A portion of the project site is currently disturbed with existing paving and several industrial-style buildings. However, the upper portion of the site contains some significant stands of trees. The Program EIR does not identify any plant or animal species of concern as occurring on this site, nor does it identify this site as part of a migration route for deer or any other animals. Therefore, the potential impacts to habitat and migration routes for any plant or animal species is less than significant and does not require mitigation.

As previously mentioned, this site contains several stands of existing trees; approximately 72 trees are proposed to be removed while at least 130 trees will remain. The forested character of the site is small and fragmented, compared to nearby large



forested areas. This site is not high quality habitat and was not identified in the Program EIR as an important habitat area; however, the forested portion of the site could potentially be used by nesting birds and other small animals so there is a potential impact to those species. The North Village Specific Plan requires unique natural features, such as rock outcroppings or large trees to be protected to the greatest extent possible. It further requires that all trees greater than 12 inches diameter breast height (dbh) that are required to be removed be replaced on a on-to-one basis. These measures should reduce any potential impacts, however, to ensure that all potential impacts have been reduced to a less than significant level, the following mitigation measures have been carried over from the Program EIR.

Mitigation Measures:

- BIO-1: The project shall preserve existing native vegetation to the maximum extent feasible. Landscaping shall emphasize the use of native plants indigenous to the Jeffrey Pine-Fir Forest plant community. Whenever possible, native plants used on-site shall be selected for their replacement habitat value. Site designs shall be subject to the Design Review procedure of the Town.
- BIO-2: Landscape materials shall be used that allow for the protection and preservation of existing trees. Native plant species, preferably from seed or cuttings from local plants, shall be used where possible. The Landscape Plan shall be approved by the Planning Director prior to issuance of any construction permits.
- BIO-3: Irrigation, fertilization and other landscape management practices shall be designed to minimize effects on existing trees and other vegetation.
- BIO-4: To the extent possible, native vegetation shall be retained and protected during construction. A Revegetation Plan, prepared by a qualified Landscape Architect and approved by the Town of Mammoth Lakes, shall be completed prior to the commencement of the project, which will describe in detail the species of trees and shrubs that will be used, where they will be planted and in what numbers, and the methods of planting and maintenance, which will ensure successful growth. It shall include a monitoring program to follow the progress of new plantings and ensure replacement of unsuccessful plants. Landscaping with native species of trees and shrubs shall be undertaken to enhance wildlife use of cleared areas.
- BIO-5: Under AB3180, once mitigation plans designed to off-set habitat losses are approved and the specific areas where they will be located are identified, the proponent must provide a program to monitor their progress for a period of time (usually three to five years) deemed sufficient by the Planning Director to assure their successful development. Adequate security shall be deposited with the Town to ensure successful implementation of this measure.
- BIO-6: All construction activities, including movement and storage of vehicles and the storage of building and other materials, shall be confined to areas slated for development. Care shall be taken during construction to avoid damage to vegetation and habitats not directly involved in project construction. Any vegetation inadvertently damaged outside of the area slated for development



shall be replaced on a one-to-one basis on- or off-site. Off-site replacement shall require the approval of the Town Planning Director.

- BIO-7: To prevent erosion and siltation into intermittent creeks, areas cleared of vegetation, fill or other materials shall be stabilized after clearing and grading. Hay bales, silt screens or similar devices shall be used to prevent siltation. To further protect the drainage system and prevent erosion, all grading and construction shall be completed during the summer months, or after October 15 of each year be in a condition to be stabilized within 48 hours should inclement weather threaten.
- BIO-8: A Forest Condition Survey shall be conducted by a professional forester and approved by the Town of Mammoth Lakes, prior to the commencement of each individual development project. All trees greater than 12-inches dbh and significant stands of each project site shall be mapped prior to issuance of grading permits or clearing. A registered forester or arborist shall then determine the age and condition of these trees and whether they should be retained or removed based upon health and visual significance of the trees, except for removal required by approved improvements. Once this determination is made, those trees shall be retained and integrated into the design of each project. A program of specific protection measures shall be prepared by the developer and approved by the Town prior to issuance of any construction permits (e.g., construction fencing, grading controls, grading design, etc.). Any trees removed unavoidable by each final project approval shall be in accordance with Town policies. Off-site replacement shall require approval by the Town's Planning Director.
- BIO-9: Slash generated from construction or thinning operations shall be hauled from the site concurrent with the operation to prevent a breeding site for IPS. Logs shall be removed from the site as soon as possible.
- BIO-10: Construction and site development, such as grading and trenching, shall be prohibited within the dripline of retained trees. Equipment shall not be stored or driven under trees. Grading shall not cover the ground surface within the dripline of existing trees. Grading limits shall be clearly defined and protected.

3.5 CULTURAL RESOURCES

Section 5.11 of the Program EIR evaluates the impacts of implementation of the Specific Plan on Cultural Resources. According to the Program EIR, the site survey of archaeological resources located and recorded four isolates and two sites (Village Site #1 and Village Site #2) within the North Village Specific Plan area. Of the four isolates, only six obsidian flakes and an obsidian core fragment were found. At the two sites, 1,100 obsidian flakes and flake fragments were found. Village Site #1 has the potential to be considered a historical resource, pursuant to CEQA criteria. The proposed project site involves a partially developed lot located at the southeast corner of Forest Trail and Berner Street. The site, which is located across Forest Trail adjacent to Village Site #1 and Isolate #2, has not been identified as having any known artifacts. Therefore, project implementation would not cause a substantial adverse change in the significance of a historical or archaeological resource.



Nonetheless, ground disturbing activities, such as grading or excavation, could disturb previously unidentified subsurface archaeological or paleontological resources. Compliance with the recommended mitigation, which provides instructions in the event a material of potential cultural significance is uncovered, would reduce any potential impacts to less than significant levels.

Mitigation Measures:

CUL-1: In the event that a material of potential cultural significance is uncovered during grading activities on the project site, all grading in the area of the uncovered material shall cease and the project applicant shall retain a professional archaeologist to evaluate the quality and significance of the material. Grading shall not continue in the area where a material of potential cultural significance is uncovered until resources have been completely removed by the archaeologist and recorded as appropriate.

3.6 GEOLOGY AND SOILS

Section 5.7 of the Program EIR evaluates impacts of implementation of the Specific Plan on Geology, Soils, and Seismicity. The Program EIR concludes that no unavoidable significant impacts beyond those previously identified in the 1991 EIR, and the 1994 EIR Addendum will occur. Since the proposed project is within the scope of development that was anticipated for this site by the Program EIR, the impacts of the Vista Pointe project have been covered by the Program EIR and development of this project will not increase the impacts beyond those already anticipated.

As explained in the Program EIR, individual projects will be subject to review and approval by the Town Engineer on a project-by-project basis and conditions may be imposed as a result of site-specific studies in compliance with applicable Town, state, and federal codes. A preliminary Geotechnical Investigation was prepared for the proposed project by Sierra Geotechnical Services, Inc. on February 16, 2006. The report concludes that construction of the proposed project is feasible from a geotechnical standpoint provided that a number of recommendations are incorporated into the design and construction. All of the recommendations have been included as conditions of approval for the project. In addition to those recommendations, the following mitigation measures have been carried over from the Program EIR and will help to reduce any potential impacts to a less than significant level.

Mitigation Measures:

- GEO-1: Prior to issuance of grading or building permits, geotechnical studies shall be completed and their recommendations shall be incorporated in the project design.
- GEO-2: Soils and foundation analyses shall be approved by Town staff prior to final project design approval. All measures required by the Town shall be incorporated into final grading and building plans.
- GEO-3: The project applicant shall provide grading plans and receive approval from the Town Engineer. Said plans shall also show that new slopes within the



project area are designed pursuant to slope requirements set forth within the Specific Plan and the standards of the Town's Municipal Code.

- GEO-4: All work shall be overseen by a licensed Civil Engineer (CE), Certified Engineering Geologist (CEG), or similar appropriately qualified professional, who shall report to the Town Engineer in order to ensure the standards of the applicable codes are met.
- GEO-5: A comprehensive Erosion and Sediment Transport Control Plan shall be prepared by the project applicant and approved by the Town Engineer prior to the issuance of any grading or building permits. The Plan shall be included in the project design. The Plan shall also meet the requirements of the Regional Water Quality Control Board and the Town Municipal Code.
- GEO-6: The project operator shall cooperate with the Town in designing and disseminating information to assist citizens and visitors in responding to emergency situations that are likely to arise. All structures shall be designed and built to at least the standards of UBC Seismic Zone 4.

3.7 HAZARDS AND HAZARDOUS MATERIALS

The Program EIR does not identify any significant impacts related to hazards or hazardous materials. Since the proposed Vista Pointe project is consistent with the use and building envelope considered for this site by the Program EIR, no new impacts would result from implementation of this project. The proposed use, a fractional condominium project, would not be engaged in the production or disposal of hazardous materials nor is it anticipated that the use would result in the creation of health hazards to the public or residents of the project. The site is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5, nor is it located within one-quarter mile of a school or within two miles of a public or private airport or airstrip.

The project is required to comply with applicable Mammoth Lakes Fire Protection District codes for emergency vehicle access. In addition, the project would not impede emergency access for adjacent or surrounding properties during construction or operation, since construction activities would be contained on site. Therefore, project implementation would not interfere with the adopted emergency response plan or result in inadequate emergency access and a less than significant impact would occur in this regard.

The Town and surrounding area have been rated as having a very high fire potential. Thus, implementation of the proposed project could expose people or a structure to risk involving wildland fires, as would be true for any development within the Town. The proposed project is subject to compliance with the Uniform Fire Code, which was amended by the Mammoth Lakes Fire Protection District and adopted as the Town Fire Code. Further, the project design and construction would be reviewed by the Mammoth Lakes Fire Protection District, in conjunction with the application for a use permit, in order to ensure that Fire Code regulations are met. Project implementation would result in a less than significant impact regarding the exposure of people or structures to a significant risk involving wildland fires, following compliance with Fire Code and Fire Protection District requirements.



3.8 HYDROLOGY AND WATER QUALITY

Section 5.8 of the Program EIR evaluates impacts of implementation of the Specific Plan on Hydrology and Drainage. The Program EIR concludes that no unavoidable significant impacts beyond those previously identified in the 1991 EIR and the 1994 EIR Addendum will occur. Since the proposed project is within the scope of development that was anticipated for this site by the Program EIR, the impacts of the Vista Pointe project have been covered by the Program EIR and development of this project will not increase the impacts beyond those already anticipated.

A Preliminary Drainage Study was prepared for the proposed project by Triad/Holmes Associates in April 2009. The report concludes that drainage facilities as preliminarily proposed would be adequate to handle the required flows and that since the use is consistent with that envisioned by the Town of Mammoth Lakes 2005 Storm Drain Master Plan Update (SDMP), downstream facilities should be adequate. Although no significant impacts have been identified, the following mitigation measures have been carried over from the Program EIR and to help further reduce any potential impacts.

Mitigation Measures:

- HYD-1: All drainage collection, retention, and infiltration facilities on the site shall be constructed and maintained in accordance with the *Mammoth Lakes SDMP* and shall be designed in accordance with the *Master Plan Design Manual*, to the satisfaction of the Town of Mammoth Lakes Town Engineer, prior to the issuance of grading permits.
- HYD-2: A more complete hydrology analysis for design purposes shall be required to be completed to estimate the amounts of runoff, which will be required to be retained on-site for each development. The analysis shall be approved prior to issuance of a grading permit.
- HYD-3: The following water conservation procedures shall be incorporated into project elements where feasible: landscape with low water-using plants; install efficient irrigation systems that minimize runoff and evaporation and maximize the water that will reach the plant roots, such as drip irrigation, soil moisture sensors, and automatic irrigation systems; and use pervious paving material whenever feasible.
- HYD-4: An Erosion and Sediment Control Plan shall be prepared by the project proponents prior to issuance of grading permits. The Plan shall be reviewed and approved by the Town of Mammoth Lakes and the Lahontan Regional Water Quality Control Board and be in accordance with the erosion control guidelines as contained in the Mammoth Lakes SDMP and be in compliance with the Water Quality Control Plan (for the Lahontan Region [Basin Plan]). General grading activities, including those related to demolition and construction, would be regulated by the Uniform Building Code and Town of Mammoth Lakes Grading Ordinance. The required Erosion and Sediment Control Plan shall outline methods that will be implemented to control erosion and sediment transport from graded or cleared portions of the individual redevelopment/ improvement sites.



- HYD-5: A Waste Discharge Report (related to soil disturbance) shall be prepared by the project applicant and submitted to the Lahontan Regional Water Quality Control Board not less than 90 days before the intended start of construction activities of a new development to obtain a Waste Discharge Permit or waiver to ensure that proper control measures for the protection of water quality are taken and adhered to during all phases of the development project. A copy of the Waste Discharge Report shall be submitted to the Town of Mammoth Lakes engineering division prior to issuance of a grading permit for the project.
- HYD-6: Best Management Practices (BMPs) shall be implemented to the satisfaction of the Lahontan Regional Water Quality Control Board and NPDES Program requirements in order to protect the receiving waters from degradation and correct existing problems. BMPs include structural controls such as retention/detention basins, oil-water separators, which could be implemented in the overall design of the proposed drainage facilities for individual development sites.

3.9 LAND USE AND PLANNING

Section 5.1 of the Program EIR evaluates the impacts of implementation of the Specific Plan relating to Land Use and Relevant Planning. The Program EIR concludes that no unavoidable significant impacts beyond those previously identified in the 1991 EIR, and the 1994 EIR Addendum will occur. Since the proposed project is within the scope of development that was anticipated for this site by the Program EIR and is consistent with the uses envisioned for this site, the impacts of the Vista Pointe project have been covered by the Program EIR and development of this project will not increase the impacts beyond those already anticipated.

The project involves development of a fractional-use lodging product, consistent with the use, density, and building envelope specified for the site in the NVSP. The proposed project would redevelop an existing partially developed site, and would include roadway improvements and a new pedestrian connector that would help to integrate the site with the surrounding area. Therefore, the project would not physically divide an established community. Furthermore, the proposed project would be consistent with all of the zoning standards of the NVSP for this site, as well as being consistent with both the 1987 and 2007 General Plan and the Municipal Code.

3.10 MINERAL RESOURCES

The Program EIR does not identify any significant impacts to mineral resources, specifically to mineral resources that would be of value to the region and the residents of the state or to locally important mineral resource recovery sites. Therefore, project implementation would have no impact to mineral resources. No mitigation measures are required.

3.11 NOISE



Section 5.6 of the Program EIR evaluates the noise impacts resulting from implementation of the Specific Plan. The Program EIR determined that no unavoidable significant impacts beyond those previously identified in the 1991 EIR and the 1994 EIR Addendum would occur as a result of implementation of the Specific Plan. Since the proposed project is consistent with the use and density envisioned for this site by the NVSP, there are no new impacts that would result from project implementation.

Grading and construction may result in temporary noise impacts, including groundborne noise or vibrations, to nearby noise sensitive receptors. Long-term operations associated with the project, such as loading and unloading, operation of mechanical equipment such as air conditioning units, and guests arriving to and leaving the project, may result in the generation of on-site noise. Compliance with the following mitigation measures, which have been carried over from the Program EIR, will reduce any potential impacts to a less than significant level.

Mitigation Measures:

- N-1 Pursuant to Chapter 8.16.090 of the Town's Noise Ordinance, construction activities shall be limited to the hours of 7:00 a.m. to 8:00 p.m. Monday through Saturday and prohibited on Sunday or holidays, or as otherwise permitted by Chapter 8.16.090.
- N-2 Construction equipment shall be muffled or controlled, if required, to meet Chapter 8.16 requirements for maximum noise generated by construction equipment. Contracts shall specify that engine-driven equipment be fitted with appropriate noise mufflers.
- N-3 The construction contractor shall provide temporary sound barriers around pile driving sites to the satisfaction of the Town Engineer should such activities take place in areas within 400 feet of existing residential units, if required to meet Chapter 8.16 requirements.
- N-4: The proposed project shall be located or architecturally designed to reduce the project noise impacts upon properties adjacent to each master planned area or project property line, such that the exterior noise levels will not exceed Town Noise Ordinance requirements for an urban and multiple family setting. Design features could include setbacks, berms, landscaping, and architectural features, adjacent to both arterial and interior streets.
- N-5: Multi-family buildings shall be located or architecturally designed so the interior noise level will not exceed 45 Ldn. As a minimum, multi-family housing shall comply with Title 24 of the California Code of Regulations.

3.12 POPULATION AND HOUSING

Section 5.2 of the Program EIR evaluates the impacts of implementation of the Specific Plan relating to Population and Housing. The Program EIR found that with implementation of housing policies and programs described in the Specific Plan, there would be no significant impacts related to employment, population, and housing. The proposed Vista Pointe project is consistent with the density permitted for this site by the North Village Specific Plan. The proposed project will result in 101 new "rooms" within



28 units, with a room defined in the North Village Specific Plan as equating to one hotel room or one bedroom, loft or sleeping area in residential uses.

The project would increase visitor population, which is a component of "People at One Time (PAOT)," however, the increase is consistent with the density, and therefore with the housing population growth envisioned in the NVSP and General Plan. The proposed project would generate a maximum of between 153 and 179 new PAOT. There are no new impacts beyond those already analyzed in the Program EIR. Pursuant to the Town's Municipal Code, the project will mitigate the workforce housing requirement by the purchase, improvement, deed restriction, and sale and/or rental of existing market rate units; and/or the payment of in-lieu fees.

The site contains several industrial-commercial buildings as well as one single-family home. Since substantial numbers of housing units do not currently exist, substantial numbers of people and/or existing housing will not be displaced. No mitigation measures were required by the Program EIR for the North Village Specific Plan. Since no new impacts to population and housing have been identified, no mitigation measures are required.

3.13 PUBLIC SERVICES

Section 5.10 of the Program EIR evaluates the impacts to public services including fire and police protection, schools, parks, and other public facilities. The Program EIR finds that with mitigation, the impacts will be reduced to a less than significant level. The proposed Vista Pointe project is consistent with the use and density permitted for this site by the North Village Specific Plan and would therefore not cause any new impacts to public services beyond those already identified by the Program EIR.

Since the project is within the density envisioned by the North Village Specific Plan, any potential impacts to fire and police protection services will be reduced to a less than significant level through the implementation of mitigation measures identified in the Program EIR. While the project could result in a slight increase in emergency calls, the project would not result in development that is unique in the area. Existing service ratios and response times would not be affected by the proposed project and new fire and/or police facilities would not be required. With payment of the development impact fees as permitted by Town code, project implementation would not significantly impact fire or police protection services.

Since the project would not generate new full-time residents, project implementation would not create a demand for new school facilities. Visitors to the project could potentially increase the use of and need for park facilities. As specified in the Program EIR, and permitted by Town Code, the project will be required to pay developer impact fees which would mitigate any potential impacts in this area.

Part of the project site is currently within the boundaries of the North Village Community Facilities District (NVCFD) and the North Village Benefit Assessment District (NVBAD). The boundaries of these special districts will be adjusted to include the entire project site when the parcels merge. The applicant will pay into these districts, which will cover snow removal and road maintenance as well as other items including landscaping, street lighting, and pedestrian amenities within the public right-of-way.



Mitigation Measures:

- PS-1: Access roads to all structures, and areas of use, shall comply with Mammoth Lakes Fire Protection District Ordinance 98-01 (or any updated version of that ordinance).
- PS-2: An approved water supply system capable of supplying required fire flow for fire protection purposes, as determined by the Fire District, shall be approved.
- PS-3: In accordance with A.B. 2926, the developer shall pay Developer Fees for commercial uses and for residential uses (condominiums).
- PS-4: The project proponent shall contribute a fair share financial contribution in accordance with the Town's DIF Mitigation Program established under Resolution 98-06 (or any updated version of that ordinance).

3.14 RECREATION

Section 5-10 of the Program EIR evaluates impacts to recreation facilities under the "Public Services and Utilities" category. The proposed project is consistent with the use and density permitted for this site by the North Village Specific Plan. Although the project is located near the Community Center tennis courts and may slightly increase the usage of those facilities, the increase in use is not anticipated to be such that it would cause or accelerate physical deterioration of the courts. The following mitigation measure has been carried over from the Program EIR and would reduce potential impacts to recreation facilities to be less than significant.

Mitigation Measures:

- REC-1: See PS-4 above.

3.15 TRANSPORTATION/TRAFFIC

Section 5.4 of the Program EIR discusses traffic and circulation, including impacts resulting from development of the entire North Village Specific Plan area and cumulative impacts assuming build out of the rest of the town. The Program EIR finds that project traffic, project plus cumulative traffic, parking, and transit impacts identified in conjunction with development and buildout of the North Village Specific Plan project, can be mitigated to less than significant level.

As reported in the May 26, 2009 Traffic Memorandum, "Mammoth Specialty Lodging Traffic Circulation and Access Analysis" prepared by LSA Associates, Inc., the proposed project will result in an increase of 306 trips on a daily basis (average daily traffic [ADT]) and 26 trips during the typical winter Saturday peak-hour, based on trip generation rates found in the Institute of Transportation Engineers (ITE), *Trip Generation*, 8th Edition. This increase in trips is not considered to be substantial in relation to the existing traffic load and capacity on adjacent streets and does not cause level of service standards to be exceeded.



The proposed Vista Point project is consistent with permitted density under the North Village Specific Plan. Therefore, project generated traffic will not exceed that which was previously evaluated in the Program EIR. The project will be responsible for payment of Development Impact Fees to address fair-share contributions to mitigations identified in the Program EIR and/or General Plan EIR.

The LSA report also provided an analysis of access and egress to the project site, including sight distance analysis at the project exit driveways on Forest Trail. Since the main project access is located within a curve, the stopping sight distance based on the radius of the curve and design speed of 35 mph along Forest Trail was analyzed. Based on these parameters, a sight distance of approximately 250 feet is required from both the east and west on Forest Trail. A field review conducted by LSA determined that adequate sight distance is available along Forest Trail at the exit driveways of the proposed project.

The project will provide emergency access consistent with all of the current standards of the Mammoth Lakes Fire Protection District (see also 3.13 above). Proposed parking is also consistent with the parking standards in the North Village Specific Plan. Therefore, the impacts to parking and emergency access will be less than significant.

The 2007 Town of Mammoth Lakes General Plan includes a number of goals and policies that relate to "feet first" and focusing on pedestrian connectivity and alternative transportation, such as public transit and bicycles. This project supports these policies by providing a convenient pedestrian connection to the Village plaza.

Mitigation Measures:

- TRA-1: The developer shall prepare and provide to the Town Engineer for review and approval, a Traffic Control Officer Monitoring Plan. The Plan shall outline at a minimum, scheduled days of monitoring together with a program to determine additional days of monitoring as may be determined by projected occupancy rates, performance criteria, duration of monitoring, and responsible parties.
- TRA-2: New development shall participate on a fair share basis in the development and operation of a community-wide winter transit system to achieve the ridership levels assumed in the MTM.

3.16 UTILITIES AND SERVICE SYSTEMS

Section 5.10 of the Program EIR evaluates the impacts of implementation of the Specific Plan on Public Services and Utilities. The Program EIR concludes that no unavoidable significant impacts beyond those previously identified in the 1991 EIR and that impacts would be mitigated to a less than significant level. Project implementation would increase the demand for water and increase the generation of wastewater and solid waste. However, since the proposed project is consistent with the use and density permitted for this site by the North Village Specific Plan, these impacts are within the scope of those analyzed in the Program EIR and no new impacts will result from implementation of the project.

Implementation of the project will not result in the need to construct new water or wastewater treatment facilities. New storm water drainage facilities will not be required



other than those directly serving the project site. The following mitigation measures have been carried over from the Program EIR and would mitigate any potential impacts.

Mitigation Measures:

- USS-1: The project applicant shall pay the appropriate fees to the Mammoth Community Water District (MCWD). All new water and wastewater conveyance facilities shall be located and installed within public rights-of-way or utility easements.
- USS-2: Prior to issuance of a building permit, the applicant shall provide an Integrated Solid Waste Management Plan (ISWMP) consistent with the Town's SRRE. The plan shall address, at a minimum, the following measures: construction demolition; recycling; composting; source reduction programs; storage areas for collected recyclable materials, and disposal of hazardous waste materials used on-site.



4.0 INVENTORY OF MITIGATION MEASURES

AESTHETICS

- AES-1: To the maximum extent practical, the proposed project shall retain forested areas, and the development shall remain subordinate to the natural character of the site and surrounding landscape.
- AES-2: Prior to final approval of project development plans, the applicant shall submit a tree preservation and replacement plan pursuant to the Municipal Code, Zoning, requirements related to grading and clearing. The Preservation and Replacement Plan, including the type, size, number and location of replacement trees shall be subject to the approval of the Town of Mammoth Lakes Community Development Director.
- AES-3: Contour grading shall be used to blend manufactured slopes into the natural terrain. Grading shall be minimized to preserve existing landform and vegetation to the greatest extent possible.
- AES-4: The landscape design for the site shall maximize the use of existing vegetation, and where new plants are introduced, they shall include, and/or blend with, plants native to the Mammoth Lakes environment. Landscape plans for the site shall be completed by a certified landscape architect.
- AES-5: To the maximum extent feasible practical, native trees and landscaping shall be concentrated around all structures located on the project site.
- AES-6: Grading techniques shall be used which minimize the area of disturbance and shall incorporate such methods as decorative retaining walls rather than slopes to minimize the area of disturbance.
- AES-7: Staging locations shall be indicated on project Building Permit and Grading Plans and shall be subject to review by the Town of Mammoth Lakes Community Development Director in accordance with Municipal Code requirements.
- AES-8: Low-intensity street lighting and low-intensity exterior lighting shall be used throughout the development to the degree feasible. Lighting fixtures shall use shielding, if necessary, to prevent spill lighting on adjacent off-site uses.
- AES-9: Lighting used for various components of the development plan be reviewed under North Village Specific Plan design guidelines which shall include review of light intensity levels, fixture height, fixture location, and design.
- AES-10: The project shall use minimally reflective glass and all other materials used on exterior buildings and structures shall be selected with attention to minimizing reflective glare.
- AES-11: Vegetative buffers shall be used to reduce light intrusion on residential development and on forested areas located adjacent to the project site.



AIR QUALITY

- AQ-1: In order to reduce fugitive dust emissions, each development project shall obtain permits, as needed, from the Town and the State Air Pollution Control District (APCD) and shall implement measures during grading and/or construction of the individual development sites to ensure compliance with permit conditions and applicable Town and APCD requirements.
- a. The individual development projects shall comply with State, APCD, Town, and Uniform Building Code dust control regulations, so as to prevent the soil from being eroded by wind, creating dust, or blowing onto a public road or roads or other public or private property.
 - b. Adequate watering techniques shall be employed on a daily basis to partially mitigate the impact of construction-generated dust particulates.
 - c. Clean-up on construction-related dirt on approach routes to individual development sites/improvements shall be ensured by the application of water and/or chemical dust retardants that solidify loose soils. These measures shall be implemented for construction vehicle access, as directed by the Town Engineer. Measures shall also include covering, watering or otherwise stabilizing all inactive soil piles (left more than 10 days) and inactive graded areas (left more than 10 days).
 - d. Any vegetative ground cover to be utilized on the individual development sites/improvements shall be planted as soon as possible to reduce the amount of open space subject to wind erosion. Irrigation shall be installed as soon as possible to maintain the ground cover.
 - e. All trucks hauling dirt, soil or other loose dirt material shall be covered.
- AQ-2: To reduce the potential of spot violations of the CO standards and odors from construction equipment exhaust, unnecessary idling of construction equipment shall be avoided.
- AQ-3: In order to reduce emissions associated with both mobile and stationary sources (i.e., wood burning stoves and fireplaces), the project shall adhere to the regulations contained in the *Air Quality Management Plan for the Town of Mammoth Lakes* and Chapter 8.30, *Particulate Emission Regulations*, of the Town's Municipal Code.
- AQ-4: The project shall contribute on a fair share basis to the Town's street sweeping operations in order to reduce emissions and achieve the required Federal standard.
- AQ-5: The project shall not be permitted to utilize wood burning appliances unless the Federal standard is documented to not be exceeded.

BIOLOGICAL RESOURCES

- BIO-1: The project shall preserve existing native vegetation to the maximum extent feasible. Landscaping shall emphasize the use of native plants indigenous to the Jeffrey Pine-Fir Forest plant community. Whenever possible, native plants used on-site shall be



selected for their replacement habitat value. Site designs shall be subject to the Design Review procedure of the Town.

- BIO-2: Landscape materials shall be used that allow for the protection and preservation of existing trees. Native plant species, preferably from seed or cuttings from local plants, shall be used where possible. The Landscape Plan shall be approved by the Planning Director prior to issuance of any construction permits.
- BIO-3: Irrigation, fertilization and other landscape management practices shall be designed to minimize effects on existing trees and other vegetation.
- BIO-4: To the extent possible, native vegetation shall be retained and protected during construction. A Revegetation Plan, prepared by a qualified Landscape Architect and approved by the Town of Mammoth Lakes, shall be completed prior to the commencement of the project, which will describe in detail the species of trees and shrubs that will be used, where they will be planted and in what numbers, and the methods of planting and maintenance, which will ensure successful growth. It shall include a monitoring program to follow the progress of new plantings and ensure replacement of unsuccessful plants. Landscaping with native species of trees and shrubs shall be undertaken to enhance wildlife use of cleared areas.
- BIO-5: Under AB3180, once mitigation plans designed to off-set habitat losses are approved and the specific areas where they will be located are identified, the proponent must provide a program to monitor their progress for a period of time (usually three to five years) deemed sufficient by the Planning Director to assure their successful development. Adequate security shall be deposited with the Town to ensure successful implementation of this measure.
- BIO-6: All construction activities, including movement and storage of vehicles and the storage of building and other materials, shall be confined to areas slated for development. Care shall be taken during construction to avoid damage to vegetation and habitats not directly involved in project construction. Any vegetation inadvertently damaged outside of the area slated for development shall be replaced on a one-to-one basis on- or off-site. Off-site replacement shall require the approval of the Town Planning Director.
- BIO-7: To prevent erosion and siltation into intermittent creeks, areas cleared of vegetation, fill or other materials shall be stabilized after clearing and grading. Hay bales, silt screens or similar devices shall be used to prevent siltation. To further protect the drainage system and prevent erosion, all grading and construction shall be completed during the summer months, or after October 15 of each year be in a condition to be stabilized within 48 hours should inclement weather threaten.
- BIO-8: A Forest Condition Survey shall be conducted by a professional forester and approved by the Town of Mammoth Lakes, prior to the commencement of each individual development project. All trees greater than 12-inches dbh and significant stands of each project site shall be mapped prior to issuance of grading permits or clearing. A registered forester or arborist shall then determine the age and condition of these trees and whether they should be retained or removed based upon health and visual significance of the trees, except for removal required by approved improvements. Once this determination is made, those trees shall be retained and



integrated into the design of each project. A program of specific protection measures shall be prepared by the developer and approved by the Town prior to issuance of any construction permits (e.g., construction fencing, grading controls, grading design, etc.). Any trees removed unavoidable by each final project approval shall be in accordance with Town policies. Off-site replacement shall require approval by the Town's Planning Director.

- BIO-9: Slash generated from construction or thinning operations shall be hauled from the site concurrent with the operation to prevent a breeding site for IPS. Logs shall be removed from the site as soon as possible.
- BIO-10: Construction and site development, such as grading and trenching, shall be prohibited within the dripline of retained trees. Equipment shall not be stored or driven under trees. Grading shall not cover the ground surface within the dripline of existing trees. Grading limits shall be clearly defined and protected.

CULTURAL RESOURCES

- CUL-1: In the event that a material of potential cultural significance is uncovered during grading activities on the project site, all grading in the area of the uncovered material shall cease and the project applicant shall retain a professional archaeologist to evaluate the quality and significance of the material. Grading shall not continue in the area where a material of potential cultural significance is uncovered until resources have been completely removed by the archaeologist and recorded as appropriate.

GEOLOGY AND SOILS

- GEO-1: Prior to issuance of grading or building permits, geotechnical studies shall be completed and their recommendations shall be incorporated in the project design.
- GEO-2: Soils and foundation analyses shall be approved by Town staff prior to final project design approval. All measures required by the Town shall be incorporated into final grading and building plans.
- GEO-3: The project applicant shall provide grading plans and receive approval from the Town Engineer. Said plans shall also show that new slopes within the project area are designed pursuant to slope requirements set forth within the Specific Plan and the standard's of the Town's Municipal Code.
- GEO-4: All work shall be overseen by a licensed Civil Engineer (CE), Certified Engineering Geologist (CEG), or similar appropriately qualified professional, who shall report to the Town Engineer in order to ensure the standards of the applicable codes are met.
- GEO-5: A comprehensive Erosion and Sediment Transport Control Plan shall be prepared by the project applicant and approved by the Town Engineer prior to the issuance of any grading or building permits. The Plan shall be included in the project design. The Plan shall also meet the requirements of the Regional Water Quality Control Board and the Town Municipal Code.



- GEO-6: The project operator shall cooperate with the Town in designing and disseminating information to assist citizens and visitors in responding to emergency situations that are likely to arise. All structures shall be designed and built to at least the standards of UBC Seismic Zone 4.

HYDROLOGY AND WATER QUALITY

- HYD-1: All drainage collection, retention, and infiltration facilities on the site shall be constructed and maintained in accordance with the *Mammoth Lakes SDMP* and shall be designed in accordance with the *Master Plan Design Manual*, to the satisfaction of the Town of Mammoth Lakes Town Engineer, prior to the issuance of grading permits.
- HYD-2: A more complete hydrology analysis for design purposes shall be required to be completed to estimate the amounts of runoff, which will be required to be retained on-site for each development. The analysis shall be approved prior to issuance of a grading permit.
- HYD-3: The following water conservation procedures shall be incorporated into project elements where feasible: landscape with low water-using plants; install efficient irrigation systems that minimize runoff and evaporation and maximize the water that will reach the plant roots, such as drip irrigation, soil moisture sensors, and automatic irrigation systems; and use pervious paving material whenever feasible.
- HYD-4: An Erosion and Sediment Control Plan shall be prepared by the project proponents prior to issuance of grading permits. The Plan shall be reviewed and approved by the Town of Mammoth Lakes and the Lahontan Regional Water Quality Control Board and be in accordance with the erosion control guidelines as contained in the Mammoth Lakes SDMP and be in compliance with the Water Quality Control Plan (for the Lahontan Region [Basin Plan]). General grading activities, including those related to demolition and construction, would be regulated by the Uniform Building Code and Town of Mammoth Lakes Grading Ordinance. The required Erosion and Sediment Control Plan shall outline methods that will be implemented to control erosion and sediment transport from graded or cleared portions of the individual redevelopment/ improvement sites.
- HYD-5: A Waste Discharge Report (related to soil disturbance) shall be prepared by the project applicant and submitted to the Lahontan Regional Water Quality Control Board not less than 90 days before the intended start of construction activities of a new development to obtain a Waste Discharge Permit or waiver to ensure that proper control measures for the protection of water quality are taken and adhered to during all phases of the development project. A copy of the Waste Discharge Report shall be submitted to the Town of Mammoth Lakes engineering division prior to issuance of a grading permit for the project.
- HYD-6: Best Management Practices (BMPs) shall be implemented to the satisfaction of the Lahontan Regional Water Quality Control Board and NPDES Program requirements in order to protect the receiving waters from degradation and correct existing problems. BMPs include structural controls such as retention/detention basins, oil-water separators, which could be implemented in the overall design of the proposed drainage facilities for individual development sites.



NOISE

- N-1 Pursuant to Chapter 8.16.090 of the Town's Noise Ordinance, construction activities shall be limited to the hours of 7:00 a.m. to 8:00 p.m. Monday through Saturday and prohibited on Sunday or holidays, or as otherwise permitted by Chapter 8.16.090.
- N-2 Construction equipment shall be muffled or controlled, if required, to meet Chapter 8.16 requirements for maximum noise generated by construction equipment. Contracts shall specify that engine-driven equipment be fitted with appropriate noise mufflers.
- N-3 The construction contractor shall provide temporary sound barriers around pile driving sites to the satisfaction of the Town Engineer should such activities take place in areas within 400 feet of existing residential units, if required to meet Chapter 8.16 requirements.
- N-4: The proposed project shall be located or architecturally designed to reduce the project noise impacts upon properties adjacent to each master planned area or project property line, such that the exterior noise levels will not exceed Town Noise Ordinance requirements for an urban and multiple family setting. Design features could include setbacks, berms, landscaping, and architectural features, adjacent to both arterial and interior streets.
- N-5: Multi-family buildings shall be located or architecturally designed so the interior noise level will not exceed 45 Ldn. As a minimum, multi-family housing shall comply with Title 24 of the California Code of Regulations.

PUBLIC SERVICES

- PS-1: Access roads to all structures, and areas of use, shall comply with Mammoth Lakes Fire Protection District Ordinance 98-01 (or any updated version of that ordinance).
- PS-2: An approved water supply system capable of supplying required fire flow for fire protection purposes, as determined by the Fire District, shall be approved.
- PS-3: In accordance with A.B. 2926, the developer shall pay Developer Fees for commercial uses and for residential uses (condominiums).
- PS-4: The project proponent shall contribute a fair share financial contribution in accordance with the Town's DIF Mitigation Program established under Resolution 98-06 (or any updated version of that ordinance).

TRANSPORTATION/TRAFFIC

- TRA-1: The developer shall prepare and provide to the Town Engineer for review and approval, a Traffic Control Officer Monitoring Plan. The Plan shall outline at a minimum, scheduled days of monitoring together with a program to determine additional days of monitoring as may be determined by projected occupancy rates, performance criteria, duration of monitoring, and responsible parties.



- TRA-2: New development shall participate on a fair share basis in the development and operation of a community-wide winter transit system to achieve the ridership levels assumed in the MTM.

UTILITIES AND SERVICE SYSTEMS

- USS-1: The project applicant shall pay the appropriate fees to the Mammoth Community Water District (MCWD). All new water and wastewater conveyance facilities shall be located and installed within public rights-of-way or utility easements.
- USS-2: Prior to issuance of a building permit, the applicant shall provide an Integrated Solid Waste Management Plan (ISWMP) consistent with the Town's SRRE. The plan shall address, at a minimum, the following measures: construction demolition; recycling; composting; source reduction programs; storage areas for collected recyclable materials, and disposal of hazardous waste materials used on-site.



5.0 REFERENCES

The following references were utilized during preparation of this Initial Study. These documents are available for review at the Town of Mammoth Lakes, 437 Old Mammoth Road, Suite R, Mammoth Lakes, California 93546.

1. EIP Associates, *North Village Specific Plan Draft Environmental Impact Report*, February 1991.
2. Great Basin Unified Air Quality Management District, *Air Quality Management Plan for the Town of Mammoth Lakes*, 1990.
3. LSA Associates, *Mammoth Specialty Lodging Traffic Circulation and Access Analysis*, May 26, 2009.
4. RBF Consulting, *Subsequent Program Environmental Impact Report for the North Village 1999 Specific Plan Amendment*, October 13, 2000.
5. RBF Consulting, *The Mammoth Lakes Redevelopment Plan Final Program Environmental Impact Report*, May 1997.
6. Sierra Geotechnical Services, Inc., *Preliminary Geotechnical Investigation of the Berner Street Property Redevelopment*, February 16, 2006.
7. Town of Mammoth Lakes, *The Town of Mammoth Lakes General Plan*, adopted August 2007.
8. Town of Mammoth Lakes, *Municipal Code*, Last updated April 2006.
9. Town of Mammoth Lakes, *North Village Specific Plan*, Adopted December 2000.
10. Trans-Sierran Archaeological Research, *An Archaeological Survey of The North Village Project Area*, February 1990.
11. Triad/Holmes Associates, *Berner Street Project Preliminary Drainage Study*, April 2009.

ATTACHMENT 4

Pam Kobylarz

From: Pam Hennarty [Pam@MammothLakesHousing.com]
Sent: Friday, August 21, 2009 3:43 PM
To: Pam Kobylarz
Subject: Vista Point Comments

Hi Pam-

Mammoth Lakes Housing, Inc. has reviewed the Affordable Housing Mitigation Plan for the Vista Point Project. The concerns of the organization are as follows:

1. The specify that they would like to satisfy their requirement through "the purchase, improvement, deed-restriction, and sale and/or rental of existing market rate condominiums..." We would request that "condos" be changed to "units" allowing the potential purchase of other types of housing units.

Thank you for the opportunity to comment on this project. I look forward to working with you further as the project progresses.

*Pam Hennarty, Executive Director
Mammoth Lakes Housing, Inc.
587 Old Mammoth Road #5
P.O. Box 260
Mammoth Lakes, CA 93546
(760) 934-4740
www.mammothlakeshousing.com*

Please consider the environment before printing this email.

11/10/2009

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Mammoth Lakes Fire Protection District
Post Office Box 5, 3150 Main Street
Mammoth Lakes, CA 93546
760-934-2300 Fax- 760-934-9210

May 19, 2009

Ms. Pam Kobylarz
Town of Mammoth Lakes
PO Box 1609
Mammoth Lakes, CA 93546

Re: Completeness Review

Thank you for the opportunity to review the initial submittal for the Vista Point (Mammoth Specialty Lodging, LLC) project. The Fire District has the following comments pertaining to this stage of the project.

1. The project will require a permit from the Fire District, so as additional plans are submitted, the Fire District would appreciate receiving copies for review.
2. The plans at this point do not provide enough detail to determine code compliance.
3. It appears the height of the floor of the uppermost level is less than 55 feet from the lowest point of Fire District vehicular access. As such the structure would not be considered a high rise by Fire District code at this point.

There are many details that still need to be worked out, but we feel that we will be able to work through the specifics as more detailed plans are provided for review. The Fire District looks forward to working with the proponent on this project. If you need any additional information, please feel free to contact me at your convenience.

Sincerely,

/s/ Thomas A. Heller

THOM HELLER
Fire Marshal



Mammoth Community Water District
Post Office Box 597
1315 Meridian Blvd.
Mammoth Lakes, CA 93546
(760) 934-2596

August 20, 2009

Via E-mail

Town of Mammoth Lakes
Community Development Department
Pam Kobylarz, Associate Planner
P.O. Box 1609
Mammoth Lakes, CA 93546

Subject: Comments on the UPA 09-001, TTM 09-001 Vista Pointe

Dear Ms Kobylarz,

Thank you for the opportunity to comment on the Vista Pointe project and for discussing the history of the project with me on the phone. Based on our conversation, the following comments assume the Project maintains consistency with the densities presented in the 2005 General Plan Final EIR.

Water Conservation

The 2005 Urban Water Management Plan described "the volume of groundwater currently available from existing wells is insufficient to meet the total demand under multiple dry-year conditions as the town approaches build-out in the year 2025." To meet current and future water demand, the District is investing in increasing water supplies; however, reducing demand is an effective method to help off-set future demands. Therefore, the District strongly encourages the Town to require the project proponent to install water-using appliances and fixtures which meet or exceed the US EPA WaterSense program guidelines. In addition, the project should be required to meet current, at the time of construction, all pertinent landscape water efficiency ordinances and plumbing codes. This requirement would meet the General Plan's stated goal of conserving water resources (R.4.) and implement the policy to support and encourage water conservation (R.4.B).

Sewer Infrastructure

The project applicant should insure that the sewer infrastructure necessary for the project is in place prior to occupancy of any buildings. The construction of planned infrastructure is based on connection fee fund balances and thus the District's planning schedules are subject to change.

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Permits from MCWD

The Water District would like confirmation that permits from the Water District are necessary prior to construction of laterals and connection to the water and wastewater system and for review of landscape plans. In addition, if the landscape is proposed to be irrigated with District water, a landscape plan that has been approved by the Town of Mammoth Lakes may need to be submitted to the Water District prior to issuance of a water permit (Water Code Div. X, Sec. 10.3).

Thank you again for the opportunity to review and comment on the Vista Pointe Project. Please call Irene Yamashita at extension 314 if you have questions regarding the substance of the comments.

Sincerely,

Irene Yamashita
Public Affairs and Environmental Specialist

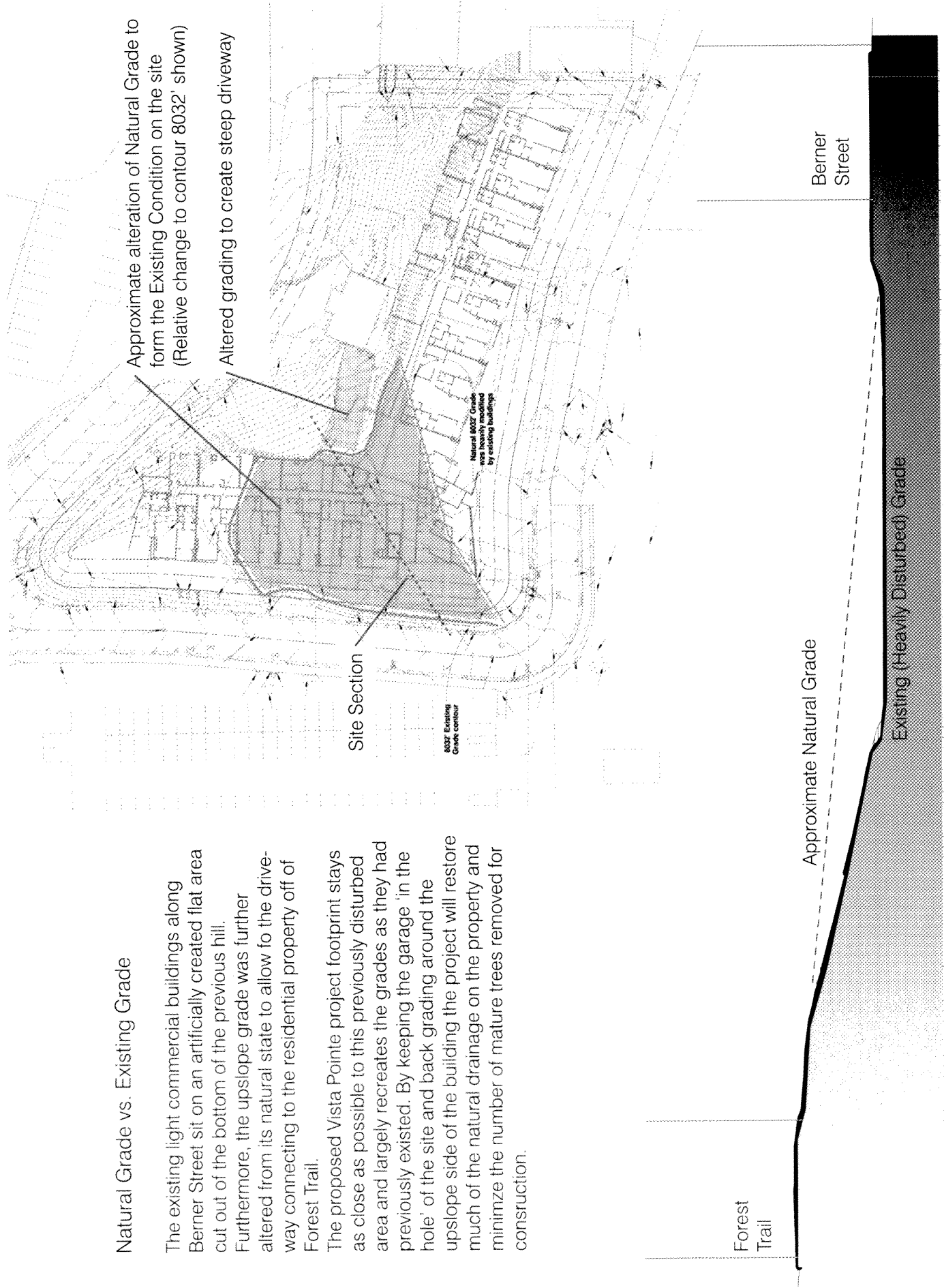
ATTACHMENT 5

Natural Grade vs. Existing Grade

The existing light commercial buildings along Berner Street sit on an artificially created flat area cut out of the bottom of the previous hill.

Furthermore, the upslope grade was further altered from its natural state to allow for the driveway connecting to the residential property off of Forest Trail.

The proposed Vista Pointe project footprint stays as close as possible to this previously disturbed area and largely recreates the grades as they had previously existed. By keeping the garage 'in the hole' of the site and back grading around the upslope side of the building the project will restore much of the natural drainage on the property and minimize the number of mature trees removed for construction.



ATTACHMENT 6

Credit Points Anticipated	LEED v2.2 Credit Code	Credit Title	Status / Explanation
SUSTAINABLE SITES			
	SS PR 1	Construction Activity Pollution Prevention	To reduce erosion the following methods (or similar) are to be implemented: fiber rolls, street sweeping and vacuuming, storm drain inlet protection, stabilized construction entrance/exit, entrance/outlet tire wash, monitor paving and grinding operations, strict vehicle & equipment cleaning measures, stockpile management and solid waste management. The Lahontan Regional Water Quality Control Board has stricter standards than does LEED.
1	SS 1	Site Selection	Previously Disturbed site, medium density commercial. Not near water, wetland, protected habitat.
1	SS 2	Development Density & Community Connectivity	Option 2 - Project is less than 1/4 mile to dense commercial district. Has 20+ qualified Basic Services within 1/2 mile.
0	SS 3	Brownfield Redevelopment	Project on new undeveloped site with clean and empty.
1	SS 4.1	Alternative Transportation Public Transportation Access	Project site is 500 feet from the towns shuttle system transfer station. 4 lines run all day with one running 'night owl' hours.
1	SS 4.2	Alternative Transportation Bicycle Storage & Changing Rooms	Project included summer resort cycling program. Need only to provide for 15% of residents (240 * .15 = 36 bikes)
1	SS 4.3	Alternative Transportation Low Emitting & Fuel Efficient Vehicles	Option 2 - Provide preferred parking for 5% of capacity for low-emitting vehicles (approx. 70 spaces * .05 = 4 spaces). This involves stenciling designated spaces nearest to the doors of the project after the accessible spaces.
1	SS 4.4	Alternative Transportation Parking Capacity	Option 3 - Project will not exceed local zoning. Shuttle service, bike valet service, proximity to buses should meet credit's intent.
1	SS 5.1	Site Development Protect or Restore Habitat	Previously Disturbed Area. 50% of site area needs to be left open (excluding footprint)
1	SS 5.2	Site Development Maximize Open Space	Option 1 - Local zoning X 1.25 = 45,000 square feet open. 49,000 sq. ft. (conservatively) will be provided. Note: this does not credit the allowable use of pedestrian oriented hardscape, which would increase % 'Open'
1	SS 6.1	Stormwater Design Quantity Control	Option 1 - Project will show a decrease in stormwater discharge.
1	SS 6.2	Stormwater Design Quality Control	Implement BMPs to remove 80% of TSS. The Lahontan Regional Water Quality Control Board has stricter standards than does LEED.
1	SS 7.1	Heat Island Effect Non-Roof	Option 2 - 95%+ of parking spaces will be in understructure parking.
1	SS 7.2	Heat Island Effect Roof	Project will likely use a combination of built-up and metal roofing that will be high-albedo surface for 80%+ of roof area. The roof terrace will comprise roughly 15% of the total roof area (some of which is pool).
1	SS 8	Light Pollution Reduction	Town of Mammoth Lakes code / zoning requirements included Night Sky protection provisions that will require the project to meet this credit.
WATER EFFICIENCY			
1	WE 1.1	Water Efficient Landscaping Reduce by 50%	High use of native forest as landscaping should allow this project to comply.
0	WE 1.2	Water Efficient Landscaping No Potable Water Use for Landscaping	Maintained as a talking point with the Landscape architect. Probably not possible / desirable but should be studied as a concept at least.
0	WE 1.3	Innovative Waterwise Technologies	Water reuse to landscape the 15% green roof area will be a long-term project. Regularly monitor quality and volume of water collection.
1	WE 3.1	Water Use Reduction 20% Reduction	Project potentially achieves credit.
0	WE 3.2	Water Use Reduction 30% Reduction	Credit will be difficult to achieve, but project will track its performance relative to this standard.

Credit Points Anticipated	LEED v2.2 Credit Code	Credit Title	Status / Explanation
ENERGY & ATMOSPHERE			
	EA PR1	Fundamental Commissioning of the Building Energy Systems	Require Commissioning is the biggest stumbling block to getting buildings certified as LEED projects. Not only is it expensive, it does not provide any 'points' and is therefore difficult for many owners to feel good about. Nevertheless this investment is one of the most likely to produce a better operating building once it is open and can be considered as the best reason to do LEED .
	EA PR2	Minimum Energy Performance	Note: California Title 24-2005 energy code requirements qualify as a baseline for this prerequisite.
	EA PR3	Fundamental Refrigerant Management	Quickly becoming a moot point as purchasing non-compliant refrigerant systems is difficult.
2	EA 1	Optimize Energy Performance	Note: from June 26, 2007 the first two points of this 1-10 point credit became 'mandatory points.' This is one of the more significant design challenges in pursuing LEED certification.
0	EA 2.1	On-Site Renewable Energy	Traditionally difficult to achieve in snow country. Note that ground loop systems don't count towards credit, while 'direct gain geothermal' systems do. This is being explored as a possibility by the design team.
0	EA 3	Enhanced Commissioning	This is quite possible and often quite expensive. Note that this cannot be performed by the mechanical sub-consultant.
1	EA 4	Enhanced Refrigeration Management	Typically straightforward to achieve for projects with low refrigeration needs.
0	EA 5	Measurement & Verification	There is a synergistic opportunity to pursue Advanced Commissioning, M&V, Educational Display in conjunction with a Building Management System. The more complex the system the more likely this synergy is a good plan. And the more expensive a solution this represents.
1	EA 6	Green Power	For this credit, a minimum of 35% of the energy usage for the building needs to come from renewable power sources. Some % of the local energy supplied to customers (from utility provider) is derived from renewable sources. The Owner would need to purchase Renewable Energy Certificates (REC) for the remaining % for a minimum of two years (in areas that 'green power' cannot be purchased directly - like CA). This typically a reasonably small figure. Note that it is possible to double the duration or volume of the amount of RECs purchased to achieve an innovation credit.
MATERIALS & RESOURCES			
	MR PR1	Storage & Collection of Recyclables	Separated trash containers, educational signs, etc. need to be incorporated into the public areas. A BOH separate recycling area needs to be shown on the plans.
	MR 2.1	Construction Waste Management Divert 50% From Disposal	Some sort of construction waste recycling is typically required so achieving the first of these credits is often relatively easy, but the contractor does not give it to the job for free.
0	MR 2.2	Construction Waste Management Divert 75% From Disposal	See above. This credit requires a lot of diligence from the contractor. This often comes with an inflated price tag, or none at all. Recommend putting this initial constraint on the job to see if it is picked out as big additional cost by the contractors.
0	MR 3.1	Material Reuse 5%	
0	MR 3.2	Material Reuse 10%	
0	MR 4.1	Recycled Content 10% (post-consumer + 1/2 pre-consumer)	
0	MR 4.2	Recycled Content 20% (post-consumer + 1/2 pre-consumer)	
1	MR 5.1	Regional Materials 10% Extracted, Processed & Manufactured Regionally	By combining the efforts of the MR 3 - MR 6 in a single category it is much more likely to achieve a credit. Using regionally sourced materials for major / expensive building systems (traditional divisions 2-10 only) puts 10% and perhaps 20% in reach.
0	MR 5.2	Regional Materials 20% Extracted, Processed & Manufactured Regionally	
0	MR 6	Rapidly Renewable Materials	
1	MR 7	Certified Wood	

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Credit Points Anticipated	LEED v2.2 Credit Code	Credit Title	Status / Explanation
INDOOR ENVIRONMENTAL QUALITY			
	EQ PR1	Minimum IAQ Performance	Mechanical will engineer a system for the project that will exceed the comfort quotients described in ASHRAE 62.1 as part of their standard practice.
	EQ PR2	Environmental Tobacco Smoke (ETS) Control	Option 1: No smoking. Public Buildings in CA are not allowed to have smoking.
1	EQ 1	Outdoor Air Delivery Monitoring	Small expense to add additional linked CO2 monitors in the main public spaces. Minimum Outside Air mixtures are required as part of T24 compliance typically satisfies this requirement.
0	EQ 2	Increased Ventilation	Trade-off between efficiency and increased ventilation is dependant on system that is employed, TBD at this time.
1	EQ 3.1	Construction IAQ Management Plan During Construction	This is an added expense for the contractor to maintain the site at the level that this credit requires. Easy to put into the specifications but will carry a premium.
1	EQ 3.2	Construction IAQ Management Plan Before Occupancy	Building can be 'burned in' during FFE fit-out; carries an energy expense depending on the season and the mechanical system that is being installed.
1	EQ 4.1	Low-Emitting Materials Adhesives & Sealants	Simple to add into the specifications, all readily available products, but they carry a small premium. Note: the Material Data Safety sheet (or other verification of product compliance) needs to be added into the specification as a requirement for all submittals that fit into this category (EQ 4.1-4.4).
1	EQ 4.2	Low-Emitting Materials Paints & Coatings	
1	EQ 4.3	Low-Emitting Materials Carpet Systems	
1	EQ 4.4	Low-Emitting Materials Composite Wood & Agrifiber Products	
1	EQ 5	Indoor Chemical & Pollutant Source Control	Typically standard service for BSA projects. Necessitates a walk-off system at entries and negative pressurization of janitor closets. Good value added for minimal expense.
1	EQ 6.1	Controllability of Systems Lighting	Residences inherently meet this credit. Dimming and scene control in public spaces would be desirable for general use in any case.
1	EQ 6.2	Controllability of Systems Thermal Comfort	Residences inherently meet this credit. Fans, cross ventilation control and zoned mechanical systems would be desirable for general use in any case.
1	EQ 7.1	Thermal Comfort Design	See above for EA PR1, again this level of comfort will be expected in a Luxury product. LEED or no LEED.
0	EQ 7.2	Thermal Comfort Ventilation	A survey/questionnaire will need to be developed so that the building occupants can report their satisfaction level after they have been in the building from 6 - 18 months. Based on the input from the survey, the HVAC system may require certain revisions in order to fine-tune the system operation. The changes to the contract will include additional design time and a future change order from the contractor in order to perform various HVAC system revisions.
1	EQ 8.1	Daylight & Views Daylight 75% of Spaces	There is a lot of potential to get this credit, and at first glance it would seem that the project would comply; however the LEED calculation is particular to the point of making it difficult to say if the project would comply at such an early stage.
1	EQ 8.2	Daylight & Views Views for 90% of Spaces	All of the residences are designed as either single-loaded or through-units with very little lack of access to views.
INNOVATION IN DESIGN			
1	ID 1.1	Innovation in Design: Exemplary Performance EA6: Double Green Power	Doubling the amount of green power purchased and exemplary credit is easy to document and achieve.
1	ID 1.2	Innovation in Design: Exemplary Performance EQ8.2	100% of spaces with views for public and private spaces would put the project in range for getting an exemplary performance credit.
1	ID 1.3	Innovation in Design: Exemplary Performance SS7.1	Using a combination of high-albedo and shaded hardscape the project would be eligible for an exemplary performance credit.
1	ID 1.4	Innovation in Design: Green Cleaning Program	Green cleaning program as an amenity would qualify as an Innovation Credit for the project.
1	ID 2	LEED Accredited Professional	Several members of the design team are LEED Accredited Professionals.
40	Score Total		LEED Categories: Certified 26-32 points - Silver 33-38 - Gold 39-51 - Platinum 51-69

Note: no specific LEED score or requirement for sustainability has yet been identified.

LEED requires highly specific requirements and standards be met on all of its credits. The scoring shown here represents assumptions and general understandings about the project that could prove to not meet LEED's requirements and standards after the engineered calculations are performed. The process of Certification typically 'disproves' several attempted points. It is because of this that it is always recommended to attempt three to four more points than the minimum level of Certification being attempted. This is especially true for projects on the lower threshold of 'Certified' level of certification.

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Energy Savings Techniques

The Project will use the USGBC LEED™ system for tracking its overall environmental performance. The Leadership in Energy and Environmental Design (LEED) Green Building Rating System™ encourages and accelerates global adoption of sustainable green building and development practices through the creation and implementation of universally understood and accepted tools and performance criteria. LEED is a third-party certification program and the nationally accepted benchmark for the design, construction and operation of high performance green buildings. LEED gives building owners and operators the tools they need to have an immediate and measurable impact on their buildings' performance. LEED promotes a whole-building approach to sustainability by recognizing performance in five key areas of human and environmental health: sustainable site development, water savings, energy efficiency, materials selection and indoor environmental quality.

The Project's layout is primarily driven by access to views, yet in this case it is also access to solar exposure; this creates both thermal and lighting benefits for the occupants and reduces the energy required to do both. Using a glulam-brise-soleil in combination with high operable windows the double height spaces will allow for the desired amount of solar gain to be controlled by the projects operators and occupants.

Other energy saving techniques include:

- Super insulated roof – preventing thermal transfer through the roof not only saving on heating costs, it helps to prevent ice dams and their subsequent potential for damage to property and pedestrians
- LED lighting – using light emitting diode (LED) lighting for portions of the project's artificial lighting. These fixtures operate at about 3% of the energy consumption of equivalent incandescent bulbs, without the poor color rendering and mercury content associated with compact fluorescent bulbs; and have the added benefit of lasting for 8 to 10 years.
- Spray-foam insulation with a rigid thermal break – using these two types of insulation in conjunction on the exterior walls prevents thermal bridging and air infiltration to create an extremely robust thermal envelope.
- Weather-lock vestibules – Using deep timed sliding door vestibules (12' along the path of travel) that are positively pressurized the building keeps its warmed or cooled air in and untreated, unfiltered air out. Traditional systems can actually create suction drafts that cause a 'freeze out' every time someone comes in or out of the building.
- Flexible Public Space – The project's rooftop Owner's Lounge has an operable wall opening to the pool terrace; by embracing the summer season's mild climate these spaces will be kept comfortable through passive means.

Affordable Housing Mitigation Plan

Municipal Code section 17.36.040 requires the applicant to submit a Housing Mitigation Development Plan ("HDMP") with its development application. Pursuant to Municipal Code section 17.36.050, MSL will seek the Town's approval of an Alternate Housing Proposal as its HDMP. The limited size of the project site, combined with the sloped topography that confines development to south and west sections of the project site, render on-site mitigation infeasible.

The project is a multi-unit transient project as defined in MC section 17.36.030 A. The project will contain approximately 81,250 square feet of "Included Square Footage" as defined in MC section 17.36.030 2. B. Therefore, the project will generate approximately 41 FTEs.

MSL intends to satisfy its mitigation requirements through: (a) the purchase, improvement, deed-restriction, and sale and/or rental of existing market rate condominiums; and/or (b) the payment of in-lieu fees pursuant MC section 17.36.070 A. Any housing units that MSL may acquire will be ready for occupancy prior to or concurrent with MSL's receipt of the initial certificate of occupancy for the resort condominium lodge units from the Town.

MSL's Alternate Housing Proposal meets the intent of the MC chapter 17.36 because when the construction of on-site housing on a project site is infeasible, the Town may approve an Alternate Housing Proposal as an HDMP. Further, MSL's Alternate Housing Proposal shall strictly comply with all regulations pertaining to employee generation rates, the percentage of units for sale and for rent, income and eligibility guidelines, the timing that any units will be ready for occupancy, and the timing that any in-lieu fees will be paid.



COMMUNITY DEVELOPMENT
P.O. Box 1609, Mammoth Lakes, CA 93546
(760) 934-8989
fax (760) 934-8608

March 27, 2009

RE: Notes from 3-26-09 ADP meeting to discuss Vista Point (CR 09-001)

Attendees:

Staff: Pam Kobylarz, Steve Speidel, Mark Wardlaw

Applicant: John Ashworth (BSA), Mark Carney, Jane Sedonaen (IDS), Dana Severy

ADP: Jay Deinken, Steve Noll, Elizabeth Tenney, Larry Walker, Larry Young

Mark Wardlaw introduced the project.

Pam Kobylarz presented a brief summary of the staff report, summarizing the proposal and the purpose of the meeting. She explained that plans for the "One Hotel," which has been approved for the site across Berner Street to the west of the project site, have been provided for context.

Applicant presentation –

Dana Severy introduced project, discussed overarching principles of the proposal, and introduced BSA and provided some background on the firm and explained why they were selected.

John Ashworth and Jane Sedonaen presented the proposed project, and the ADP asked questions of the applicant during the presentation. Some of the questions and comments included the following:

- How will the streets be marked for pedestrian crossing?
- There were questions and discussion about the pros and cons of the bridge being covered or enclosed versus uncovered. There was a recommendation to look at the bridge at Alpental Ski Area at Snoqualmie Pass in Washington as an example of a partially covered bridge.
- What are the applicant's thoughts regarding roof overhangs for the lower units? Overhangs will probably be desirable for these units in order to help with shading during the summer months.
- The applicant should consider the relationship of this project to the tennis courts and Community Center Park across the street. Steve Speidel will provide the conceptual site plan for that site, which includes a relocated driveway, to the applicant.

ADP comments:

After the applicant presentation was finished, the applicant team left the room and the ADP discussed the project. When the applicant returned, the ADP reported back on their discussion consensus:

- The proposal seems straightforward and the ADP commends the applicant team for its initial work.
- The proposal is a good marriage between contemporary and mountain architecture. The ADP liked the “rugged” feel of the architecture.
- There are conceptual problems with the bridge being uncovered, and the ADP was generally more supportive of having a covered and/or enclosed pedestrian bridge, perhaps with segments that are open to the outdoors.
- The ADP is not sure exactly how the corner/icon element relates to the corner on Berner Street. This feature needs more study and development.
- The ADP wants to better understand how the connector/icon feature works internally.
- The sense of arrival to the site at the corner of Berner Street and Forest Trail could be a little confusing for guests arriving to the site for the first time since there is a natural draw to turn onto Berner Street. This could be addressed by the architecture of, or a peek through the trees to, the lobby building, or with good directional signage.
- The landscaping approach is good and the ADP thinks that it will work nicely if implemented as proposed.
- The ADP would like to better understand the shading and glazing protection of proposed elements of the building.
- The ADP supports the use of board formed concrete as long as it looks authentic and not like it is “oozing.”
- The ADP was very pleased with the proposal at this point in the design process. However, to ensure that the applicant doesn’t invest too much time and effort into more detailed plans while inadvertently heading in the wrong design direction, the ADP would like the opportunity to review schematic drawings before the detailed drawings for a use permit submittal are produced. This should include the following information:
 - Color elevations of the lobby building, bridge, and all sides of the main building
 - A materials board
 - A snow management plan
 - Key sections and floor plans
 - Snow management techniques for the north side of the building, and
 - An addition to the design narrative that discussion compliance with the North Village Design Guidelines

Staff will discuss the next steps in terms of whether or not the ADP needs to review another round of plans, and if so, what the process for that will be. It likely will not be another formal meeting.

Pam Kobylarz concluded the meeting and notified applicant that notes would be produced for their records and reference.

ATTACHMENT 7

Project Impact Evaluation Criteria

Traffic and Mobility - Project reduces transportation impacts through proximity to multi-modal transportation, employment, retail, and entertainment options and encourages the use of alternative transportation and "feet first" principles expressed in the General Plan and Community Vision.

Criteria	Rationale	Measurement	Response	Basis of Analysis
Vehicle Miles Traveled (VMT) and Level of Service (LOS)	Reducing project VMTs and trip generation decreases congestion, reduces Greenhouse Gas production, and improves air quality.	TM1	Project would not cause cumulative VMT at 52,000 PAOT (116,871 VMT) to be exceeded	PAOT within NVSP assumptions
		TM2	Project produces less VMTs per unit (or other measure) than similar project	Yes, due to proximity to Village
		TM3	Intersection Level of Service impacts	LOS improved over existing condition No mitigation required Impact(s) mitigated Significant Impacts that Cannot Be Mitigated LOS not impacted per traffic analysis
Geography / Location	A project's proximity to daily services and needs increases the likelihood of travel by non-vehicle modes, thereby reducing congestion and vehicle miles traveled.	TM4	Project is located proximate to gondola station/ski lift	Site within 650 feet of gondola
		TM5	Project is located proximate to concentration of major employment	North Village, Main Street, Old Mammoth Road, Gateway
		TM6	Project is located proximate to concentration of retail/entertainment	North Village
		TM7	Project is located within 1/4 mile of multiple existing (or planned future) transit lines	Located near Village transit hub
		TM8	Project provides auto-trip reducing measures such as: - Transit information to visitors/guests/employees - Alternative transportation/carpooling incentive programs - Shared parking on-site and/or in a parking district - Preferred parking for fuel efficient and/or carpool - Bicycle facilities and storage exceeds requirements - Changing facilities and showers (for employees) - Shuttle(s) to airport and other destinations - Way-finding measures integrated with Town system	Project does not propose special trip reduction measures
Travel Demand Management Measures - Wayfinding, Parking, Bicycle, Pedestrian	Providing programs and measures that encourage travel by alternative modes reduces vehicle trips. Shared parking and other parking management strategies help to reduce the amount of parking built to preserve valuable land.	TM9	Project provides enhanced mobility through: - Vehicle mid-block connectors/enhances street grid - Pedestrian mid-block connectors - Exceed sidewalk standards and requirements - Traffic calming measures - Superior delivery/service facilities/management	Project would improve nearby streets and incorporate new sidewalks (pedestrian connectors)
		TM10	Project adds or enhances transit infrastructure	N/A - not adjacent to any transit lines

Project Impact Evaluation Criteria

Water Supply and Capacity - Project reduces impact to water supply through use of water efficient technology and other conservation measures. Project reduces impact to water quality, treatment systems, and stormwater facilities.

Criteria	Rationale	Measurement	Response	Basis of Analysis
Supply and Infrastructure Impacts	Projects that do not require new or expanded water supply or new infrastructure reduce impacts.	W1 Project water demand will not result in a net increase in the forecasted Town buildout water demands, and will not result in a net increase in forecasted deficits under the planning scenarios presented in the MCWD UWMMP	<input checked="" type="checkbox"/> True <input type="checkbox"/> False	Density and development is within assumptions for NVSP and GP
		W2 Water Infrastructure (Water Lines): - Project is located adjacent to <i>existing</i> water infrastructure with adequate capacity to serve the incremental increase in peak demand from the project, or - Project is located adjacent to <i>planned</i> water infrastructure that will result in adequate capacity to serve the incremental increase in peak demand from the project, or - Project is located in area <i>without existing or planned</i> water infrastructure with adequate capacity to serve the incremental increase in peak demand from the project	<input checked="" type="checkbox"/> True <input type="checkbox"/> False <input type="checkbox"/> NA <input type="checkbox"/> True <input type="checkbox"/> False <input type="checkbox"/> NA <input type="checkbox"/> True <input type="checkbox"/> False <input type="checkbox"/> NA	Adequate water infrastructure capacity adjacent to project sites
		W3 Wastewater Infrastructure (Sewer Lines): - Project is located adjacent to existing wastewater infrastructure with adequate capacity to serve the incremental increase in peak demand from the project, or - Project is located adjacent to planned wastewater infrastructure that will result in adequate capacity to serve the incremental increase in peak demand from the project, or - Project is located in area without existing or planned wastewater infrastructure with adequate capacity to serve the incremental increase in peak demand from the project	<input checked="" type="checkbox"/> True <input type="checkbox"/> False <input type="checkbox"/> NA <input type="checkbox"/> True <input type="checkbox"/> False <input type="checkbox"/> NA <input type="checkbox"/> True <input type="checkbox"/> False <input type="checkbox"/> NA	Adequate wastewater infrastructure capacity adjacent to project sites
		W4 Project does not require new or expansion of stormwater drainage infrastructure	<input checked="" type="checkbox"/> True <input type="checkbox"/> False	Adequate facilities exist
		W5 The project is committed to using state-of-art water saving fixtures and appliances to reduce potable water use	<input type="checkbox"/> True <input type="checkbox"/> False <input checked="" type="checkbox"/> TBD	TBD, may be included to achieve LEED certification
		W6 Project exceeds the Town Water-Efficient Landscape regulations, or alternate equivalent standard, through state of the art irrigation systems and native/water-saving landscaping	<input type="checkbox"/> Project Not Irrigated <input type="checkbox"/> Exceeds Minimum <input type="checkbox"/> Meets Minimum <input type="checkbox"/> Does Not Meet Minimum <input checked="" type="checkbox"/> TBD	TBD with grading permit
Conservation - Landscape and Building Fixtures	Water efficient landscaping, irrigation systems, and water-saving fixtures reduces impacts to the available water supply.			

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Project Impact Evaluation Criteria

Air Quality - Project furthers Town compliance with State and Federal PM10 Air Quality Standards, which improves public health.

Criteria	Rationale	Measurement	Response	Basis of Analysis
State and Federal PM10 Compliance	Reduction of vehicle trips and elimination of solid fuel burning appliances improves air quality, thereby improving public health.	A1	Project does not cause cumulative PM10 level to exceed State and Federal standards per the adopted AQMP	Prohibition on solid fuel burning appliances reduces overall PM10 to level below AQMP
		A2	Project does not use solid fuel burning appliances	Not permitted

Also See Traffic Measurements T1 through T10.

Green Technology and Energy - Project furthers Town green building and energy efficiency goals.

Criteria	Rationale	Measurement	Response	Basis of Analysis
Green Technology, Green Building, and Alternative Energy	Use of green technologies and green building practices preserves natural resources and protects the environment.	GE1	Project meets or exceeds applicable green building program standards such as LEED, California Green Building Standards Code, or equivalent	Project proposed to be LEED Gold certified.
		GE2	Project incorporates renewable energy systems on-site or uses renewable energy (i.e. photovoltaic, geothermal, etc.)	TBD, may be included to achieve LEED certification.

Also See Water Measurements W5 and W6 and Traffic Measurements T4 through T10.

Economic Stability - Project supports the Destination Resort Community and Economic Strategy through promotion of a four-season economy and provision of visitor and resident serving uses.

Criteria	Rationale	Measurement	Response	Basis of Analysis
Year-round Economy	Projects that promote year-round, mid-week, and shoulder season visitation strengthen economic diversity and decrease fluctuations in revenue stream.	E1	Project provides uses/facilities that contribute to a year-round economy and increase occupancy by promoting mid-week and shoulder season visitation and increasing visitor length of stay	Will provide year-round lodging near entertainment hub
		E2	Project develops and/or participates in cooperative marketing strategies	TBD - depends on operator
Tax Revenue	Uses that generate TOT and sales tax help support community programs and infrastructure improvements.	E3	Project increases transient occupancy tax	Transient, fractional use proposed
		E4	Project contributes to sales tax	No retail or public components included
Mix of Uses	Projects with a mix of uses in appropriate locations increase synergy between those uses.	E5	Project contributes to placemaking and synergy and provides a complementary scale and mix of uses and facilities	Pedestrian plaza proposed
			2 + uses added 1 use added 0 uses added NA or TBD	

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Also See Social Measurements S1 and S2.

Project Impact Evaluation Criteria

Social Capacity - Project provides key services, uses, employment opportunities, and public art that enhances the quality of life of residents and visitors.

Criteria	Rationale	Measurement	Response	Basis of Analysis
Key Uses and Services	Provision of neighborhood retail and services that serve residents and visitors improves quality of life and economic stability.	S1 Project includes scale and mix of strategically targeted use(s) (grocery, conference space, day care, etc.) that respond to an unmet community need, as identified by Town Policy	<input type="checkbox"/> 2 + uses added <input type="checkbox"/> 1 use added <input type="checkbox"/> 0 uses added <input checked="" type="checkbox"/> NA or TBD	Consistent with SL zoning, no retail or public components included
Jobs and Training	A wide range of employment opportunities strengthens economic diversity and improves resident quality of life.	S2 Project creates employment that widens the diversity of opportunities in the community and includes: - Creation of professional, full-time, permanent employment - Creation of high-quality seasonal employment	<input type="checkbox"/> Both <input checked="" type="checkbox"/> 1 of 2	Project will create a small number of new full-time jobs
Public Art	Public art contributes to the enhancement of the cultural and social aspects of the community.	S3 Project exceeds public art requirements	<input type="checkbox"/> More than 20% <input type="checkbox"/> 10% to 20% <input type="checkbox"/> Less than 10% <input checked="" type="checkbox"/> TBD	TBD with building permit, will provide art onsite
Also See Economic Stability Measurements E1 through E5.				

Housing - Project provides housing opportunities to enhance the quality of life of the town's workforce.

Criteria	Rationale	Measurement		Response	Basis of Analysis
Housing Mix	Providing quality, diverse, and livable housing opportunities within the community increases quality of life for workers and reduces vehicle travel impacts.	H1	Project provides a mix of housing sizes, types, and affordability, including housing on-site	<div><input type="checkbox"/> True</div> <div><input checked="" type="checkbox"/> False</div> <div><input type="checkbox"/> NA or TBD</div>	Resort-lodging project, onsite WH not proposed
		H2	Project exceeds workforce/affordable housing requirements	<div><input type="checkbox"/> True</div> <div><input type="checkbox"/> False</div> <div><input checked="" type="checkbox"/> NA or TBD</div>	TBD with building permit, in-lieu fee or other mitigation
Also See Social Measurements S1 and S2.					

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Project Impact Evaluation Criteria

Recreation / Leisure Capacity - Expanding and improving recreational and leisure opportunities, open space, entertainment, improves community quality of life and visitor experience.

Community					
Criteria	Rationale	Measurement		Response	Basis of Analysis
Open Space	Accessible and usable open-space sponsors community vitality and encourages healthy activity while enhancing the natural landscape.	R1	Project contributes open space according to established ratios	<input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>	Consistent with Town Municipal Code
		R2	Project provides useable and needed community open space, i.e. TOT lot, dog park, etc.	<input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>	True False NA or TBD N/A
		R3	Project provides/encourages outdoor/indoor recreation options that are accessible/affordable	<input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	True False NA or TBD
Recreation and Entertainment Options	Recreation and entertainment options and access, including public access to public lands should be provided when feasible and applicable.	R4	Project provides trail, pedestrian, bike, or transit connections and access to support recreation	<input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	Project will construct sidewalks on Forest Trail and Berner St.
		R5	Project provides public access to public lands	<input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>	N/A - project not adjacent to public lands
		R6	Project provides entertainment options that are accessible/affordable	<input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>	TBD - depends on operator
Visitor					
Recreation and Entertainment Options	Provision of accessible/affordable recreation and visitor serving well-designed and effectively located public spaces in visitor-oriented districts encourages return visitation.	R7	Project provides uses that contribute to the animation of visitor-oriented districts	<input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	Pedestrian plaza provides connection to Village
		R8	Project incorporates well-designed public spaces to encourage pedestrian use and social activity in commercial and visitor-oriented districts	<input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	True False NA or TBD See R7
Also See Recreation/Leisure Capacity Measurements R3 through R6.					

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Project Impact Evaluation Criteria

Community Character / Aesthetics - Maintaining consistency with community and neighborhood character creates a sense of place.

Criteria	Rationale	Measurement			Response	Basis of Analysis
		CC1	CC2	CC3		
Height, Mass and Bulk	Building height, mass, and bulk that is consistent with surrounding land uses and preserves protected views.	Project design does not impact protected views		<input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	True False	No existing views
		Project design effectively reduces and limits visual obstruction		<input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	True False TBD	See CC1
		Project character meets height requirements and criteria of district, including size scale, and massing		<input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	True False TBD	Consistent with all development standards
Trees and Natural Surroundings	Native tree preservation helps to maintain the forested character of the town.	Project maximizes tree preservation and other natural surroundings		<input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	True False NA or TBD	Building designed around existing disturbed area
		Project exceeds minimum mitigation for tree removal		<input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	True False NA or TBD	Trees replaced at higher than 1:1 ratio

Note: Project Evaluation includes reference to all applicable adopted Town plans, documents, and regulations, as well as those of other agencies such as Mammoth Community Water District, Air Pollution Control District, etc.

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